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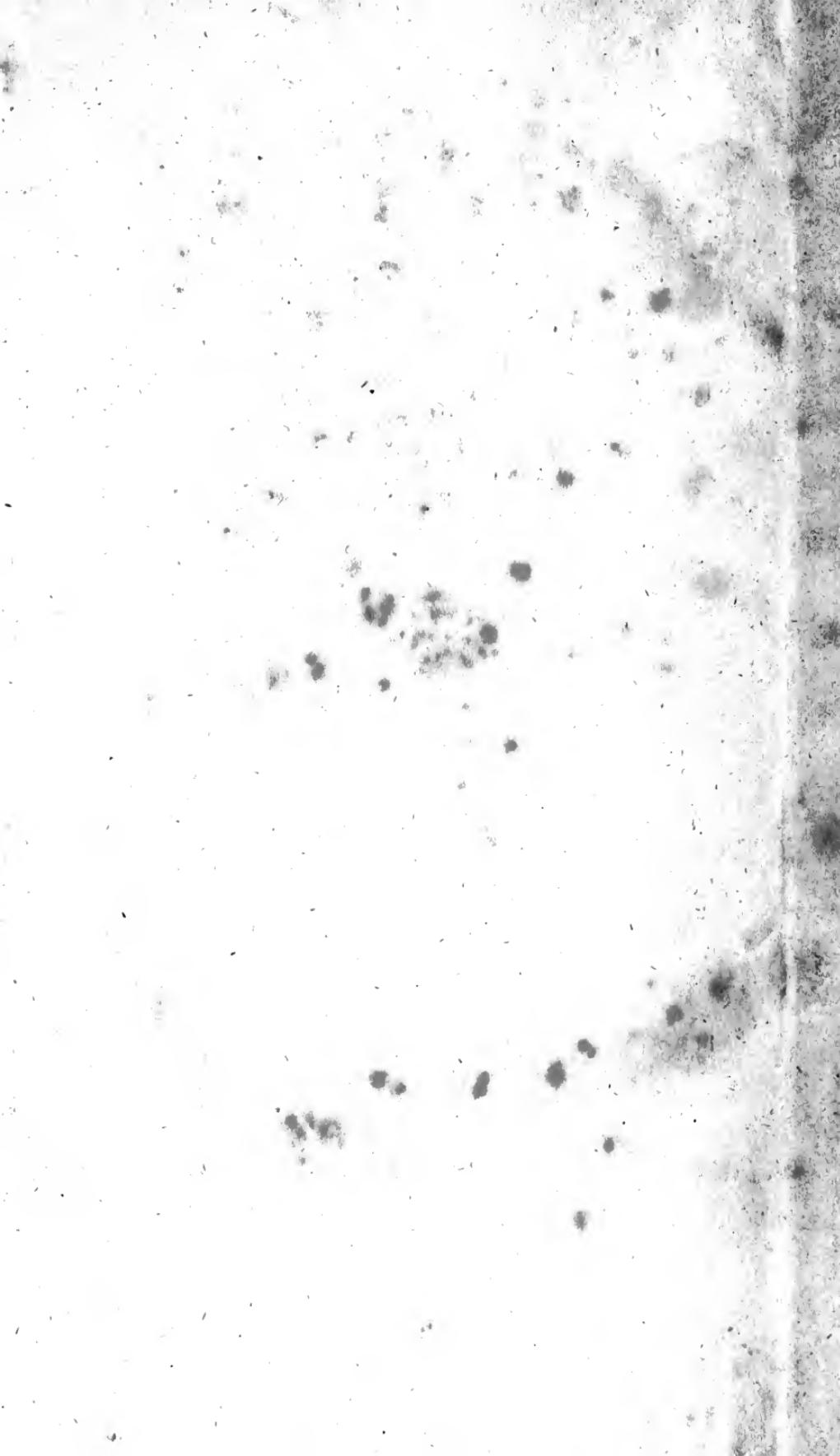


*H. Morse Stephens.*

*University of California*



Elix Miles 1829



AN

## HISTORICAL VIEW

OF THE

# REVOLUTIONS OF PORTUGAL,

SINCE THE

CLOSE OF THE PENINSULAR WAR;

EXHIBITING

A FULL ACCOUNT OF THE EVENTS

WHICH HAVE LED TO THE

PRESENT STATE OF THAT COUNTRY.

BY AN EYE-WITNESS.

*Captain John Murray Browne*

JOHN MURRAY, ALBEMARLE STREET.

M DCCC XXVII. 1827

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**J. Dennett, Printer, Leather Lane, London.**

TO  
LIEUTENANT GENERAL  
**SIR HERBERT TAYLOR, G. C. H.**

&c. &c. &c.

WHOSE NAME IS RENDERED ESTIMABLE TO

**THE BRITISH ARMY,**

NOT ONLY BY HIS UNWEARIED EXERTIONS FOR ITS WELFARE,

BUT LIKEWISE

AS BEING INSEPARABLY UNITED WITH THAT OF

**His late Royal Highness the Duke of York,**

ITS LAMENTED COMMANDER IN CHIEF,

**THIS SKETCH**

OF THE

POLITICAL EVENTS WHICH LED TO THE RECENT EMBARKATION  
OF BRITISH TROOPS FOR PORTUGAL,

IS MOST RESPECTFULLY INSCRIBED,

BY

**THE AUTHOR.**

*June 1827.*

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## PREFACE.

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AT a moment when the foreign policy of Great Britain is again so intimately connected with the state of the Peninsula, and when the safety of Portugal is once more committed to a British army, the author of the following sheets has been led to believe, that an authentic account of the political circumstances which have produced the present condition of that kingdom, will not be unacceptable to the British reader. That a great deal of misapprehension and ignorance still prevail in this country, on the real character of the revolutions which have agitated Portugal, since the close of the Peninsular

war, the author has frequently observed with surprise ; and having been himself a personal and attentive spectator of those political vicissitudes, he trusts he shall not be chargeable with presumption for believing that it has been in his power to offer a more accurate narrative of their real causes, progress, and results, than any of which the public of this country has yet been put in possession.

Such are the motives which have induced the author to compose the following “ Historical View of the Revolutions of Portugal since the close of the Peninsular War,” which he ventures to think will be found to redeem its pledge of offering “ a full account of the events which have led to the present state of that country.” Uninfluenced by any political or factious partialities, and having no private interest involved in the fate of Portugal, he has desired to offer only a plain unvarnished statement of facts. He has not misrepresented a single circumstance designedly, and although he possibly may have erred in his speculative anticipations of the

future, the reflections advanced are at least his honest and undisguised sentiments.

With respect to the sources of information, on which the author has founded his record, he can of course, in his anonymous character, bring forward no better proofs of authenticity than may be gathered from that internal evidence, which usually accompanies truth. But it is due to his readers to offer some general explanation of the circumstances, which have enabled him to collect the materials for the present volume. He has, in fact, enjoyed the most favorable opportunities for judging of the present state of Portugal, from an intimate personal knowledge of that country for more than seventeen years. During five years of the war, he became, as a British officer, generally acquainted with the Peninsula, and more particularly with the Portuguese army, in which he served at the latter part of that period. In 1814, returning from France to Portugal, he was employed on the staff of the army, until the revolution of 1820. In this situation, he was necessarily

brought into frequent contact with the native authorities, and enabled to ascertain the general feeling of the people.

In common with his brother officers, he quitted the Portuguese service in 1820 ; but, unlike the greater number of them, remained in Portugal, and during the reign of the Cortes devoted his time to agricultural pursuits. Shortly after the counter-revolution of 1823, he removed to Lisbon, where an intimacy with some members of the royal household, afforded him opportunity of being much at the court of John VI., and acquainting himself with circumstances that few of his countrymen had means of learning.

With these advantages, it needed only a small share of observation and discernment to collect the information that he has embodied into the present work. He has endeavoured, in the composition of his narrative, to avoid egotism, but has yet found it necessary, in order to illustrate some of his assertions, to introduce a few anecdotes personally

relating to himself. He is aware that the language and composition of his volume abound with literary defects: but he trusts it will be admitted as his apology, that he has not aspired at style and embellishment. Other occupations have denied him the leisure, if he had possessed the power, to cultivate the graces of composition. His sole object has been to furnish his countrymen with a correct view of the real condition of Portugal at this interesting crisis; and he consigns his volume to the public judgment with the consciousness, at least, of having endeavoured well.



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AN  
HISTORICAL VIEW  
OF THE LATE  
REVOLUTIONS OF PORTUGAL.

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CHAPTER I.

1814—1820.

*Aspect of Portugal at the Close of the Peninsular War—Delusive Hopes suggested by the glorious Recovery of her Independence—Apparent Prosperity, and real Distress of the Country—Causes of the National Decay: Extinction of Manufactures, Loss of the Commerce of Brazil, Emigration of the Court, Absentee Nobility, Ruin of Agriculture—Cruel Sufferings of the Farmers during the War: aggravated by the Iniquity of Native Contractors—Olive Grounds and Vineyards devastated, Corn Lands left waste—Miserable Condition of the Peasantry—Cupidity and Wealth of the Monastic Orders—General Corruption and Peculation of Government—The Portuguese Army—Honourable Contrast of its Character with that of the Civil Institutions of the Kingdom—Admirable Administration of Lord Beresford: frustrated by the base Intrigues of the Regency—Conspiracy of Gomes Freire—Quelled by the Energy of Lord Beresford—Good Spirit of the Troops ungratefully requited by the Government—Privations and Sufferings of the Army—Growing Discontents in that Body and the Nation, provoked by the Misrule of the Regency—Voyage of Lord Beresford to the Rio—Revolution effected in his Absence.*

AT the termination of the Peninsular war in 1814, Portugal had recovered a reputation in

the political world not unworthy of the best days of her history. By the glorious issue of the great contest, in which she had borne so conspicuous a part, she was placed in an attitude of pride and independence; and the interesting spectacle of all that she had endured and surmounted, might suggest the most lively anticipations of her future happiness. It might seem that, having evinced the brave spirit to resist foreign oppression, and enjoying the generous friendship of England, she was henceforth secured against all hostile aggression, and was about peacefully to enter upon a new career of enlightened exertion, industrious improvement, and tranquil prosperity.

But, on a nearer and more scrutinizing inspection of her real condition, she presented a widely different aspect from that which might thus attract the pleased attention, or excite the hopes, of the distant or sanguine observer. Her noble efforts in the cause of freedom, her patience and constancy in the crisis of her fate, had invested her subsequent success with a lustre, which only

concealed for a moment, but could neither mitigate nor heal the complicated sufferings to which those very triumphs had, in a great measure, given rise.

Not that the cruel ordeal through which Portugal had just passed was the sole origin of her impending disasters. The greater part of them, indeed, might be traced to this season of trial and sacrifice; but there were various other concurrent causes, altogether producing effects so fatal, that, even had the projected dismemberment of the Peninsula been carried into operation by the anticipated success of Buonaparte, such arbitrary proceeding could scarcely have rendered the country more abject and more powerless beneath the grasp of a victorious invader, than she was actually left amidst the triumphs of an independence, so gallantly asserted, and so firmly established.

A brief recapitulation of the several sources from whence her ancient national prosperity had been derived, with a view of the circumstances under which returning tranquillity had found them, may, perhaps, tend to ex-

plain and substantiate this apparently bold assertion.

The manufactories of Portugal, never numerous, were now annihilated: war, in its ravages, had destroyed the greater part of them, and the rest had ceased working. For, destitute of encouragement, how could their produce successfully compete with English goods, which, having originally been introduced with so many advantages by the Methuen treaty in the last century, had acquired a confirmed preference by that of 1810. By the new treaty, concluded at this last epoch, it had been more particularly stipulated, that in return for certain valuable privileges in the wine trade, conferred on Portugal by our government, she should concede to us the right of importing our manufactures, on the payment of only 15 *per cent.* duty: while those of other nations are generally chargeable with double that amount.

From the days of Vasco de Gama, and the fruits of his happy temerity in doubling the Cape of Good Hope, Portugal had never relied on her own productions as adequate

sources of national wealth. Invited as she had been by the discovery of a commercial resort, hitherto inaccessible to European navigation, and enriched by the vast treasures thus placed within her grasp, her enterprizing spirit of foreign speculation had superseded the exertions of domestic industry, and abundantly repaid itself. Nor did the subsequent superiority of the Dutch, in the same quarter, repel this excursive inclination ; for although the East no longer supplied her with a valuable monopoly, a new mine of wealth, that appeared inexhaustible, had been opened in the West ; and Brazil proved to her a second India. The abundant and varied produce of this South American possession found its emporium in Lisbon, and entered the Tagus, to be thence scattered over Europe, while every part of Portugal derived its full share of these advantages, and flourished in the prosperity of the capital. Hence it is evident how severe a shock must have been given to the mother country, when the Brazilian ports were thrown open to the direct commerce of Europe, diverting the rich tide

of merchandize into other channels, and leaving that comparatively dry, which had so long been fertilized by its exclusive course.

Nay, not only the privation of former gains, but actual loss of what was originally her own, followed the emigration of the king from Portugal to this her Trans-Atlantic colony. To supply the demands of the court at the Rio, she was now in turn drained of all that could be wrung from her by the gripe of necessitous power, and she acquired, as the price of these vast sacrifices, no more than an uncertain sale in the Brazilian territory for her native wines.

As might be expected, the nobles, and men of property, flocked to the seat of government, where many established themselves, taking no farther thought for the land of their birth, than as it furnished them with the needful means of supporting their dignity, and ministering to their luxuries abroad. Their stewards in the mother country, on the other hand, looking only to the present produce of the estates within their reach, as augmenting

those remittances for which their lords continually called, neglected the important business of cultivation, and allowed the lands to become more impoverished every year:—a natural consequence of absenteeism, in which Portugal sympathized with other nations, and to a grievous extent. Those of the emigrants who returned, generally came to take possession of offices to which their attendance at court had introduced them: often sinecures, and too frequently situations where the principal employment consisted in plundering those, whom they were appointed to superintend and to protect.

One instance, among the many that came under my own personal observation, I will adduce, as tending to illustrate the character of these speculative migrations to the distant seat of government. The individual in question was an acquaintance of mine. He possessed a very limited income, but had in former days enjoyed the intimacy of some who moved in subordinate situations about the palace. Calculating on the good offices of these persons, he mortgaged his little pro-

perty, prevailing on his brother to follow his example, and lend him the produce. With all the money he could thus scrape together, he embarked for Brazil, where he deposited his cash ; but how, or on what terms, we can only conjecture from the result. Certain it is, that, in a very short period, he returned pennyless, but in possession of an appointment, from which, as a collector of the king's dues, he might fairly derive an income of about £300. a year. He owed at least £1000. over and above his outlay of ready money ; and his only visible prospect of paying these debts, incurred while securing the prize of an official situation for life, was by making it as productive as he possibly could. He lived only a few years to enjoy his success ; but during that term it was well known that no means were left untried, on his part, to realize far more than, in justice to others, the place might have been expected to yield.

Beneath the pressure of such accumulating evils, can we wonder that the arm of industry in Portugal was paralyzed, and the spirit of

honest exertion subdued? War, with its inevitable consequences, immediate and remote, and corruption, with its less open, but, perhaps, more baneful influence, laid an arresting hand upon the propelling wheels of national activity; and if the loom was idle, the implements of agriculture were scarcely less so.

In many places cultivation was altogether superseded. Four years' occupation of the country by contending armies, had blighted the hopes, and sickened the heart of the farmer too often, to leave him encouragement for a speculation hitherto so disastrous. He was generally, too, of that class to whom the conflict had been fraught with utter ruin; and his lands lying fallow, had little chance of being again tilled. For, excepting in some particular places, and those not numerous, farming is not sufficiently lucrative, as a business, to hold out much inducement for embarking capital in it, even during seasons of comparative prosperity. Still less could it now attract the attention of those who, having reaped individual advantages from the

war which devastated their country, and amassed wealth by means so much more easy and expeditious, sat down to its enjoyment, and paid no regard to branches of industry which could add little to their own riches, however important in a patriotic point of view.

Such individuals there were, who had fattened their gains upon the misery of their country; who gleaned a golden harvest on those plains where the rapid march of desolation had impoverished and ruined their countrymen. Lisbon, at once the port and the capital of Portugal, the chief dépôt of a mighty military armament, and the rendezvous and mart of an extensive naval equipment, experienced an unwonted demand, and beheld her trade in a state of unnatural activity, resembling rather the hectic of fever, than the even glow of a healthful system. It was a transient and specious prosperity, of which the bulk of the nation partook not. Of this we had abundant proof during the operations of our army in the interior.

It is true that, as in Lisbon, wherever we marched we left money, and gave a momentary impetus to the spirit of traffic; but let it be remembered, that we often took from them that for which money was an almost worthless substitute. Corn and wine were the objects of our barter; and while our consumption of the latter decidedly benefited the grower, an extensive demand for the former involved him in severe calamities. Our large bodies of cavalry required more forage than could be yielded, without the painful sacrifice of cutting down the green blade of corn; and this was paid for with a sum that, in ordinary times, would scarcely have purchased the grain which that blade might have been expected to produce. With this scanty remuneration in his hand, and the promise of his future harvest removed from before his eyes, the poor farmer himself, and with him all the surrounding inhabitants, must depend upon some distant province for that supply which their own hands were accustomed to gather from their native soil. Most of the provinces, too, having been in

turn the scene of operations equally ruinous, the little which could be spared from the remnant of the anticipated harvest in one quarter, was only to be procured in another on most exorbitant terms. The price of the necessaries of life was thus far beyond what the destitute people could spare from the little store of cash reserved to answer their craving wants, until the following annual crop, even had they any chance of reaping their fields after the lapse of another seed-time. But seldom was this distant prospect left to cheer them, for long before the next period of depositing seed-corn in the ground arrived, the cries of their starving families had wrung from their unwilling hands the last poor pittance remaining in the granary for that purpose.

If such was the case where payment in ready money had been received from our troops, what aggravated miseries must have followed when the usual mode of discharge was adopted by the commissariat, who, instead of cash, gave cheques upon our funds at Lisbon. A system arose from this plan of

payment, of which it would be difficult to say, whether the cruelty or the knavery was more conspicuous: certainly it was a most infamous compound of both: and there is too much reason to believe that a class of our own countrymen, to whom was imputed the disgrace of deeply participating in this villany, were not unjustly accused. I leave the reader to peruse the following particulars, and to form his own conclusions.

Our army was attended on its march through the provinces, by a description of persons generally looked upon as contractors, and frequently employed as such. They were Portuguese, which gave them additional influence among the poor simple peasantry. These men, appearing with a supply of specie which they never could have derived from any resources of their own, insinuated themselves into the confidence of the unfortunate inhabitants, and persuaded them that the checques before mentioned, were worth no more than so many Portuguese *valles*, issued by a government in a state of insolvency. They thus easily deluded the poor

peasantry into an eager desire to part with the paper received in exchange for their corn, though discounted by these knavish negotiators at such a profit to themselves, as reduced the balance in the ignorant holder's hands to a pittance incredibly small.

Nor did the inhumanity of these harpies rest satisfied with thus completing the ruin of the cornfactor and all dependent on him. They carried on a plan equally atrocious against those who possessed cattle. Keeping near our troops, in places where they intended to purchase, they urged their helpless dupes to lose no time in taking ready money for such beasts as they had ; assuring them, that if they delayed concluding the bargain, they would be compelled by the army to part with their cattle, and to receive a paper in return, either wholly valueless, or, at least, which no one would take but at a discount proportionable to the hazard which, they asserted, the holder of the checque must incur, of never receiving any payment. Intimidated by this description, and expecting to suffer cruel extortion from the armed foreigners, whose

approach was announced, the wretched creatures sold their cattle for the veriest trifles to these disinterested friends; who again disposed of the meat to our commissariat, often at a most exorbitant rate.

By such means was the march of a friendly deliverer rendered more welcome to the natives than that of a hostile invader, by so much only as a lingering death may be thought preferable to a sudden and violent one. Much has been said, and much written, on the subject of these disgraceful scenes; but all is utterly inadequate to convey an idea of the actual horrors witnessed by those who followed the footsteps of a ferocious enemy, and were thus compelled to devour the little refuse that had eluded his grasp.

To a mind not steeled against the pleadings of humanity, the field of battle presented a less painful view, when strown with the mangled forms of dead and dying, than did the *rescued* villages, where, in order to secure Portugal from the reflux of this desolating tide, we were necessitated to receive

from her children almost their last mouthful of bread, and to see them paid with what in itself was a wretched compensation, though all we had to give. And even this inadequate remuneration was again diminished, as we have seen, by the iniquitous frauds of those insatiate fiends, who drained the last drops of vital blood from kindred veins—from the exhausted pulses of their own countrymen—to glut their detestable avarice. A military man cannot easily revert to the feelings of that period in measured language, especially when he hears it asserted that Portugal was a gainer by the peninsular war. Collectively, as one among the nations of the world, her character was undoubtedly exalted, and invested with a brilliancy that had for nearly two centuries been totally lost. Individually too, the agents of designing fraud flourished upon their iniquitous spoils, and many were seen starting into sudden importance, who, but for these events, would have lived and died in native obscurity and contempt. It is true that some few fortunes were accumulated, even by honest means, among the

mercantile dealers in Lisbon, and that some favorable national qualities were then developed and brought into action, which might otherwise have lain unexcited and dormant. But can a nation be said to gain, when the great bulk of her population are evidently and fatally impoverished, and when a devastating blight has passed over the budding promise of all her internal resources ?

The greater number of those tradesmen who now excite, in the provincial towns, the wonder and the envy of their more honest but less fortunate compeers, had scarcely shoes to their feet until they followed our army, calling themselves contractors to the British forces, and, under that character, pursuing with impunity their merciless system. Many of these men were employed to superintend the land carriage of our commissariat and other stores; for the conveyance of which, bullock-carts and mules were pressed into the service, and the handsomest allowance was given to remunerate the peasantry for their daily work in attending them. But, through the pernicious influence of these

head-men, such means were adopted to harass and disgust the poor owners, and particularly those who had charge of the bullocks, that they generally fled, leaving their beasts a prey in the hands of the unnatural wretches, who tore, without feeling and without fear, their latest support from these their oppressed and ruined countrymen.

I must, however, return to the consideration of other branches in which Portugal sustained a diminution of national prosperity, no less than in her manufactories and her granaries. Of all her natural productions, oil and wine are those which best ensure an ample repayment to their cultivator; but for some time previous to the epoch before us, a disease had greatly injured the olive trees, occasioning, in many instances, the total failure of their crops. In several districts the destruction was very extensive, and it was remarked that in others, where the trees retained their healthy appearance and fruitful qualities, a far greater number had been cut down by the French armies than in the former situations: as if the relentings of na-

ture towards those whose subsistence depended on her wonted operations, had given a new stimulus to man in the cruel work of afflicting his fellow creatures.

Oppressed by poverty, and dreading its aggravation, the farmer did not venture to prune his olives; for he erroneously calculated that should the following year produce a general crop, he would incur a loss, by having reduced the luxuriant branches and so diminished the number of olives. Thus he deferred from year to year this necessary operation, until the state of his trees shewed how ruinous were the effects. Indeed, the general unhealthiness of the olive plantations may be traced principally to this cause. The advantages of a different plan are proved by the uncommonly fine and vigorous shoots, sprung from the roots of those trees cut down by the French, and which are now, after fifteen years, in full bearing. But the distress of the poor farmers was too great, and their wants were too urgent, to allow of any thing like a sacrifice of present emolument to more distant advantages.

To conceive the universal depression consequent upon a failure of the olive crop is scarcely possible, unless by contrast with the animating scene, the bustle, activity, and hilarity, that mark the ingathering of a plentiful store in this class of nature's bounties, justly ranked among the richest she bestows ; for no produce so amply repays the cultivator for all his cost in labour, money, and patience. The expences of collecting the fruit, and of the process by which oil is extracted, are very considerable ; it is subject to a heavy duty, and fifteen or twenty years of growth are required to bring the tree to perfection. Yet few cultivators have ever, in peaceful times, had cause to complain of an unsuccessful speculation, in making this valuable fruit their chief dependence.

Towards the month of November, the olives arrive at that degree of ripeness which renders them fit for the annual operations. Like our walnuts, they are beaten from the boughs by means of long rods, while large cloths, spread around the trunk, receive as

many as fall within the space they occupy. The rest are gathered from the ground by women and children ; and so great is the produce, that the entire population of an olive district find ample employment, in this work alone, for several weeks, although assisted by large groupes, who flock from a distance, sometimes of nearly two hundred miles, to share the labour, and return with a little store of money thus earned, for their winter subsistence.

Nothing can exceed the sprightliness of these olive gleaning parties : from sun-rise to the hour of vespers no sound is heard but that of singing, and merry converse, while every countenance reflects the gladness of the season, and the general happiness of the simple hearted peasantry. When the mills are set in motion, the farmer can securely reckon on a supply of ready money wherewith to cultivate his lands ; the pork feeder and poulterer find in the bruised kernel of the olive a plentiful and nutritious article for fattening their numerous pigs and turkeys ; while the poor labourer, in addition to his

present wages, anticipates an ample supply of oil for his family at a price he can afford to pay, and stores of preserved olives, which, with a little bread, will long furnish the daily meal for himself and his household, almost free of cost.

An imperfect idea may be formed, even from this slight sketch, of the cheering effect produced when the national tree yields its accustomed tribute to the children of the soil; and imagination will not fail to picture, in a like degree, the deep gloom, despondency, and disappointment that pervade all these classes when that supply is withheld, whether by the immediate visitation of Providence, in smiting the earth with a blight, or the remorseless cruelty of man, in wantonly afflicting his fellows.

The culture of the vine is less lucrative than that of the olive, when the latter retains its health and fruitfulness; but the grape possesses the advantage of not being so liable to failures through disease or accident. Circumstances, however, had conspired to affect even this important branch of agricul-

ture in a considerable degree, and to lessen its value. A vine requires the pruning hook every year, nor will the vineyard thrive if more than two or three years be suffered to elapse without turning up the soil. A tolerable crop cannot be expected unless this biennial digging takes place ; nor can it be neglected but at the hazard of destroying the vines altogether. It will readily be conjectured how fatally the distracted state of the country interfered with these regular operations, while war and rapine left their foot-prints on the paths where peaceful industry had hitherto held her even way. The consequence was, that many vineyards drooped, decayed, and ultimately withered beyond a possibility of recovery ; while the land which they had covered lay in a state of hopeless neglect, barren and uncultivated. Corn crops are less congenial to the soil, and to the habits of the people, or at least to their partialities ; and these are rarely introduced where the vine has fallen.

Of this prejudice, history affords a striking instance. The Marquis of Pombal, the

celebrated minister of Joseph I., among other schemes of national aggrandizement, resolved to render Portugal more independent of foreign aid, by augmenting her internal supply of grain in proportion to its consumption through the country. With this view he caused many of the vineyards to be ploughed up, conceiving that corn would immediately supersede the vine, which, as it requires three years to render it fruitful, he supposed the farmers would not again introduce. But long habit and experience are not so easily conquered ; and, notwithstanding the temporary loss sustained while waiting for its maturity, the cultivators soon restored their ancient vine to its pre-eminent station ; proving that, in their estimation, it yielded a far greater profit to them than grain would ever produce. Doubtless they calculated more wisely than the minister, considering the quality of the ground and climate : excessive droughts are of very frequent occurrence in Portugal, and threaten with destruction the most promising crops, unless the land on which they grow be remarkably rich, or plentifully irrigated,

which is not in general the case. I speak from experience, having in one year lost two successive corn crops from the same ground by these droughts, and on a spot where the vine would undoubtedly have been prolific. My wheat was first sown in November, and by the middle of March following, the blade was so completely dried up, that I had no alternative but to pass the plough over it, and plant for a crop of Indian corn. This again had suffered so severely from the same cause by the month of May, that, in the end, it barely yielded its original measure of seed, although an increase of fifty fold is by no means an uncommon return in favorable seasons.

These discouragements withheld many proprietors of ruined vineyards from hazarding an attempt in the growth of grain ; nor had they any cheering prospect in renewing the vine. Spanish wines were now admitted into the Brazilian territory, establishing a disheartening competition with the people who had hitherto enjoyed exclusively the privilege of that valuable exportation to their distant colony.

Thus may it altogether be conceived how little of prosperity, either in possession or anticipation, smiled upon those classes in Portugal to whom the discriminating eye would naturally look for the indications of reviving welfare. The tempests of war had indeed ceased their protracted work of devastation ; but on every side appeared evident and lasting tokens that the storms which had passed had laid low the pride of the land, with little hope of its resuscitation beneath the returning beams of tranquillity. It was not alone from the ravages of hostile violence that Portugal had received the most lasting injury ; there was an invisible hand still busy in undermining the foundation of national prosperity ; and domestic treachery, as we have seen, proved but too successful an ally, though a silent and secret one, in deepening the wound which the cruelty of foreign invasion had inflicted.

Extensive, however, as was the distress at this period, we cannot pronounce it to have been universal. The innumerable fraternities of monks enjoyed a happy exemption from

the troubles that weighed down their less privileged neighbours. Returning to their immense possessions, now secured by the triumphs of our arms, if they had not at first the means of cultivating them to their full extent, yet the church dues, levied on almost every individual among the laity, and punctually collected, soon enabled them to rejoice in the fulness of their accustomed gratifications.

Along the line of country too, so legibly and direfully marked out as the track of an invading army on their retreat in 1811, and for the repairs of which a sum had been granted, there were many who could boast of a double advantage ; having suffered the most trifling losses, and received the largest compensation. So unfairly was this money distributed, that the greater part fell to the lot of those, whose uninjured possessions in other parts of Portugal yielded ample means for restoring what the hand of rapine had destroyed in this ; while the poor peasant, who, in the ruins of his little cottage, beheld the wreck of his all ; and the man of limited

income, whose property was concentrated in the one spot where devastation had passed and levelled it with the earth, received no aid. The grant that, by an equitable distribution, might have caused the beams of comfort once more to illumine hundreds of families, became an instrument of unjust and wicked partiality ; enriching those who already had enough, and leaving the poor to perish.

What else could be expected, when every department of government was in itself an example of corruption :—when money was the sole and universal passport to favour and distinction, and when such a matured system of disgraceful, avaricious intrigue, was supported between the court at the Rio, the provisional government at Lisbon, and the petty despots with whom their mercenary arrangements had scourged all parts of the country, that it might almost be said, every honest man felt himself under the necessity of becoming a rogue.

From a scene so calculated to excite indignant disgust, it is a relief to turn the eye

upon the solitary exception to which Portugal could point—her army. Commanded by a British officer, whose talents had formed from among a heterogeneous mass of unpromising materials, a beautiful fabric—whose exertions had procured for it the honorable distinction of becoming the national bulwark—and whose lofty spirit, both by influence and example, had preserved it from sharing the contamination now spread through every other branch of the state—that army stood comparatively pure. Its officers beheld with impatient pity the miseries of their country, for which they had laboured and bled; they contemplated with melancholy interest the minds of their compatriots, darkened as they were by ignorance, enthralled by a crafty and arrogant priesthood, and crushed beneath the iron rule of legal despotism; and they placed the condition of their own population in strong contrast with the gallant spirits of England, who had for five years been their associates, and shewed them what civil and religious freedom could effect in enlightening and elevating human nature. Nay, a comparison with the

scenes from whence they had recently returned in the south of France, was alone sufficient to shew them the darkness of their degraded homes.

This awakened feeling among military men was not overlooked by the wily and selfish government; every possible method was put in operation to bring the army down to a level with the other institutions of Portugal, and to disgust a commander, whose persevering efforts to uphold its respectability and independence were met by the most irritating opposition and perplexing counteraction. Orders from the Rio, dictated by a less disgraceful spirit, were evaded, as not tending sufficiently to debase the military character; and a memorable instance of the temper under which the government in Lisbon acted, was displayed in their conduct respecting the Portuguese quota of 5000 men, which should have been furnished in 1815.

On the escape of Buonaparte from the Island of Elba, transports were dispatched from England to convey this force to the Netherlands, in pursuance of a stipulation

entered into at the congress of Vienna. But the Regency had no intention of carrying into effect this agreement: accordant with their narrow and unpatriotic policy, which, in every point of view appeared to labour for their country's degradation. Pretending to feel themselves incompetent to so important an act as sending an army out of the kingdom, without being sanctioned by an especial order from the Rio to that effect, they contrived to evade the obligation, protracting the necessary steps with successive idle excuses, until the battle of Waterloo decided the fate of Europe, without allowing the Portuguese troops to add one foreign leaf to the laurels they had gathered in the expulsion and pursuit of invading foes from their native land.

It was the lot of that great captain under whom the allied army of England and Portugal had achieved this signal triumph, after a struggle unexampled in the history of nations, to strike a last decisive blow, and to terminate in one important victory that contest which had been carried on for years over

a tract of country extending from Lisbon to Toulouse. To write an encomium on the Duke of Wellington is not my purpose; all Europe felt compelled to unite in his applause. Blending, as he does, the most brilliant military talent and enterprizing spirit that can promise success in the field, with all the cool deliberation and political foresight that characterize the sagacious diplomatist and profound statesman, his merits are universally acknowledged. Still it is among those who fought under his grace's standard, during his arduous ascent to the pinnacle of renown, that the subject carries with it the deepest interest; and they can best appreciate his merits, who beheld him often surrounded with difficulties, far more formidable than the hostile army arrayed against him, surveying both with equal resolution, and encountering them with equal success.

The dearly-won laurels of the Peninsula were vivid enough; yet among many who fairly earned them, there is found too much cause for regret, that it was not their chance to share with their veteran commander, and

more fortunate comrades, in the brilliant achievements of a day, as important in its results, as it was terrible in its sanguinary struggle—as beneficial to all Europe, as it was triumphantly glorious to the hero who led, and to the troops that followed him. They feel that this climax of victory, though it be marked by far more conspicuous honours and distinctive rewards, ought not to be considered, as it evidently is by some, as eclipsing the long series of harassing service, of arduous campaigns, and hard-fought battles, in which so many sacrificed their youth, their health, strength, limbs, and even life itself.

Towards the close of the same year, the commander in chief of the Portuguese army, anxious for the welfare of the body placed under his care, undertook a voyage to Brazil, and succeeded in obtaining the king's sanction to a most excellent military code of laws, by which, if properly brought into operation, an effective army might have been established, and upheld on principles alike respectable and economical; while that mi-

serable pittance, of the inadequacy of which both officers and men justly complained, would receive sufficient augmentation to satisfy all reasonable necessities. Still it was found expedient in these regulations to introduce some clauses not so conducive to the domestic comforts of the military, as to their professional advantage; for hitherto each regiment had been attached to its own district, where it had been originally raised, and from whence it took its name; so that, on the cessation of hostilities, every corps found itself again domesticated in the bosom of its native home; a privilege as grateful to individual feelings as it was subversive of that promptitude with which the soldier should quit his place of temporary repose at the call of duty. In process of time, the Portuguese military would have been rendered totally unfit for actual service, as the endearments of home resumed their powerful influence; and to obviate this, it was arranged that each corps should take its appointed turn in certain garrisons; and by the formation of camps, with other similar expedients, the

military habits of the soldier would have been kept in activity, and his character sustained.

True to their mischievous principles, the delegated government of Portugal received these regulations with jealousy ; and proceeded to defeat their object, not by open opposition, but by putting in practice those parts of the new system, which, as they encroached on established indulgences, were sure to be most unpopular with the army ; while all that could counterbalance such privation, by administering, in other respects, to the soldier's comfort, was withheld. This perverse line of conduct did not fail of its effect, so far as to harass and distress the objects of its cruelty ; but nothing could as yet shake the loyalty of the troops, nor undermine their respectful regard towards the commander in chief, whose zeal to benefit them they could appreciate, amid all the vexatious opposition of men invested with civil control. This steadfast spirit was nobly evidenced in 1817, when the conspiracy of Gomes Freire afforded a fair opportunity of

judging how far disaffection had spread among the military.

A most erroneous view of this conspiracy has been taken, and industriously circulated by some, whose object is sufficiently evident ; it was their policy to represent the intended rebellion as nothing more than a revolt against the commander in chief, and a patriotic attempt to render Portugal independent of England. But proofs most indisputable were adduced that the design of Gomes Freire terminated in nothing less than a total overthrow of the existing government, and destruction of all constituted authorities, in whose place himself and about twenty others were to preside over the kingdom, but without any plan or regulation for their future guidance, in this most delicate and important office. It was a wild, undigested scheme of anarchy, fraught with consequences the most calamitous to the country, and all connected with it ; and the odium cast on the commander in chief, as if he had recommended the decisive mode of proceeding adopted by the government in dealing forth the due re-

ward of discovered treason on its unprincipled projectors, was but one among the many malicious falsehoods, invented to excite the indignation of Portugal against her truest friend.

Through his exertions, in all probability, Lisbon was rescued from becoming a scene of universal carnage and horror on the night of the arrest; for there was a party in the army who looked on Gomes Freire as a man qualified to take the lead in great enterprizes; and a spirit of discontent existed among the populace of Lisbon, as in other parts of the country, excited by the wretched misrule of their government, and ready to break forth into open violence on the first fair pretence. How then can we refuse the just tribute of applause to the commander, by whose prompt movements the opportunity was lost to them? Gomes Freire and his fellow conspirators were arrested at night, nor was the fact generally known until the following day, although the troops in the capital remained under arms till nearly morning. To forego the execution of these desperate rebels would have been to

invite a sanguinary struggle; and the facts were too clearly brought home to them for any doubt to exist concerning the justice of their sentence, except among those who can see nothing in a candid point of view, that does not emanate from their own narrow party spirit, or tend to foster it.

The Portuguese army entitled itself on this occasion to the lasting gratitude of both government and people: one insubordinate movement—one seditious cry—on their part, had caused a scene in Lisbon of which all Portugal must have suffered the effects; and in the tumult they could have gleaned a golden harvest of spoil from their tyrannic rulers; who, in return for this forbearing loyalty, continued to hold back every part of the new code, that would at once have supplied their necessities and gratified their military pride. It never could have been expected by the commander in chief, that his regulations should be applied so unfairly, having so arranged them as to check and counterbalance each other; but if it was the noble ambition of the Regency to place them-

selves, and all in authority, on the summit of unpopularity, their proceedings were admirably calculated to attain that distinction.

The following example will serve to illustrate the cruelty of such a partial enforcement of the new system. A regiment, stationed about eighty miles from Lisbon, was ordered to march for the garrison of that capital, in pursuance of the rule which required the occasional movement of each corps ; while the augmentation and regular issue of pay, by which alone the officers could meet the exigency of such sudden demand for unusual expenditure, had not been granted. I had in that regiment a friend, a Portuguese lieutenant, who gave me this affecting picture of his situation at the time. With a wife and three children he found himself under orders to march for a station proverbial for its expences, to meet every part of which, both there and on the road, he had merely his pay. This, if fairly remitted to him, would amount to eighteen *mil rees* a month (about £4. 10s. sterling) and might have sufficed for his subsistence ; but before he received it in

a state payable in the country, it was so reduced as to be utterly inadequate to answer the most urgent wants of his family.

It must be observed, that previous to the regulations above mentioned, clerks at the Portuguese treasury, where the army pay was issued, openly discounted the officers' monthly receipts, at a moderate charge indeed, but one that must be indefinite in its amount, as the arrears often accumulated for several months ; thus making it the interest of these people to retard as long as possible the issues of army payment, which was diminished to its unfortunate owners in proportion as it was delayed. The new regulations contained a prohibition against this official usury, under the penalty of punishment to those who continued it ; but this was perverted, like all other wholesome enactments, to the greater profit of one party, and deeper injury of the other. Officers, still unable to obtain their long arrears, were compelled to borrow for present need at any loss ; and the clerks continued privately to discount as before, only augmenting the charge in consideration of

the hazard they exposed themselves to in thus violating the law.

In addition to this grievous loss, my friend, in common with others, shared the disadvantage of having half what he did receive paid in government paper, which has no circulation in country towns, nor is any where taken in payment of less than half a moidore, and on which, of course, a very heavy discount was laid. Altogether his little allowance was reduced to about two shillings and sixpence a day; out of which he must find means to dress himself as an officer, to provide lodgings for his family, and answer all other demands upon his purse. This officer had served honorably during the greater part of the war; his case was that of hundreds equally deserving, and it could not be otherwise than that the discontent of the army must daily increase with their increasing difficulties.

The wise military foresight that prompted this occasional removal from one station to another, became an act of oppressive cruelty, as it passed through the hands of the govern-

ment ; for while the troops remained in their own districts, where they were individually known, many little comforts and aids were supplied by considerate friends ; while the tradesman probably indulged with a long credit such as he could rely upon, from acquaintance with their family and connexions. Removed to a strange place, all these softening circumstances vanished ; the soldier bitterly felt the destitution in which he was left by those for whom he had fought and suffered ; and the Regency, in thwarting every judicious measure of the British commander, were preparing an engine to recoil with double force upon themselves.

Meanwhile, the people became impatient of deceptions that could no longer mislead : they had allowed themselves to be flattered into a delusive expectation of speedily welcoming their emigrant court, and once more beholding their capital flourish, as the seat of legitimate authority, and the emporium of their commerce. But no sign appeared of their king's long-expected return from the Rio, and their oppressed situation became more

than ever galling, when they turned to the free constitutions acquired by Spain and Naples. They were ripe for any change, and if the army proclaimed freedom, all Portugal would joyfully re-echo the cry of revolution.

Aware of this latent spirit, and anxious yet to preserve to the house of Braganza its ancient kingdom, the commander in chief resolved on one more effort, and, in 1820, he again sailed for Brazil. There, placing before his majesty the true state of his European dominions, of which he had doubtless been kept ignorant by his vicegerents at home, this energetic advocate so far roused the kingly and paternal feelings of the monarch as to induce him not only to send money, but even a part of his jewels, for the payment of those troops whose patient fidelity had still held out against the provocations that tended to a most perilous result.

Together with these means of discharging their claims, the commander in chief received such powers as would have enabled him to form, with that army, a secure bul-

wark against any revolutionary attempt: but advantage was taken of his absence, and the blow was struck while he, on the western shores of the Atlantic, pleaded for those concessions that alone might have prevented it, if granted more promptly. Nay, so well aware of his deserved popularity with the troops, and his influence over them, were those who had seized the reins of government, that they refused him permission to land, lest his loyal exertions might produce some re-action favorable to the king. Thus did Portugal reject from her shores, the man who, for twelve years, had devoted himself to her service, and sought her welfare, with a zeal, a constancy, and a steadiness of purpose that not one among the many pretenders to patriotic ardour, born and nurtured on her soil, ever exhibited in her cause.

## CHAPTER II.

1820—1822.

*Origin of the Revolution of 1820—Revolt of the Garrison of Oporto—A Constitutional Government there proclaimed—Joyfully received by the People—Imbecility of the Regency—Paralyzing Effects of their Vacillation upon the Spirit of the Royal Adherents, and upon the Loyalty of the Army—The Garrison of Lisbon proclaim the Constitution—The Revolution completed—At first hailed with Enthusiasm by the Nation—Assembly of the Cortes—Intemperate Language of that Body—Gross Impolicy of its Proceedings—Disappointment and Disgust thereby excited—In the Nobility, the Peasantry, the Religious Orders, and the Army—Re-action of Public Feeling—Arrival of the King from Brazil—His insulting Reception by the Cortes—Affection of the People for his Person—Reviving Loyalty of the Army—Character of John VI.—And of the Queen—Her injurious Treatment by the Cortes—Her secret Schemes of Vengeance, and Counter-Revolution—Favored by the wretched Errors of the Cortes—Continued Oppression and Corruption of Administration under the Constitutional Government—General Disaffection to its rule.*

THE picture which has been attempted in the preceding chapter, will probably have sufficed to illustrate the real condition of Portugal at the close of the Peninsular war, and during the six years that intervened between that epoch and the revolution of 1820.

The extinction of the few native manufactories of the kingdom, the total loss of the lucrative commerce of Brazil, and the utter ruin of agriculture by the ravages of a cruel warfare, had all conspired to overwhelm the mass of the Portuguese population in distress and poverty. The return of a season of tranquillity, which should have healed the wounds left by foreign invasion and national misfortunes, had been permitted to exercise no real salutary influence. On the contrary, during these six years, the continued residence of the court in Brazil, with the exactions of an absentee nobility, the general corruption of the institutions of government, and the misrule of the Regency, had altogether aggravated instead of assuaging the sufferings of the nation. The clergy, and the harpies of administration, had alone flourished amidst the general calamity: the great body of the people, and especially the peasantry, were reduced to the lowest stage of penury and wretchedness; and an army, distinguished under its British commander for discipline and loyalty, had been goaded into impatience

and discontent. That beneath such a system of misrule and misery the whole country should have become ripe for any change, will excite wonder in no reflecting mind ; and it did not require the spirit of prophecy to anticipate that the first revolutionary movement would be eagerly embraced, and successfully prosecuted, against the corrupt and imbecile government. While the commander in chief was thus absent in Brazil, labouring for the public welfare of the kingdom, the army, no longer protected and maintained in its loyalty by his personal influence and vigilance, was abandoned to the evil suggestions of designing agitators. It then became an easy matter for a few individuals successfully to raise the standard of revolt ; and the insignificant manner in which the revolution of 1820 was effected, fully manifested the general disaffection of the nation against its contemptible rulers.

The commencement of the Portuguese revolution of 1820, is, however, worthy of some remark, as it exhibits in a curious light the genius of patriotism, or, at least, of that con-

venient application of the term, by which men provide themselves with a cloak to cover their most selfish designs, under the imposing aspect of devotion to their country. The commanding officer of a regiment in Oporto had made rather too free with the contents of the regimental chest entrusted to his care, and he knew that a commissioner would soon arrive to examine his accounts. This was by no means desirable ; and to avert his impending disgrace and ruin, he generously made common cause with his country, and resolved, by one bold revolutionary movement, to relieve both the national distress and his own. To save himself by delivering Portugal, was too noble and comprehensive a scheme to be easily relinquished. Communicating, therefore, his intentions to some military men and others, who might be influenced by motives equally powerful, a conspiracy was quickly formed, and its design was as promptly executed. On the night of the 23d of August, 1820, after a secret meeting among themselves, the officers proceeded to the quarters of their respective regiments, and found no

difficulty in prevailing on the troops to raise the cry of a constitution; to which, and an embryo Cortes, they swore fidelity: announcing at day-break to the inhabitants of Oporto, by a discharge of artillery, the result of their nocturnal legislation.

The people, conscious that almost any change must be for the better, received the tidings with perfect cordiality; and a junta was presently nominated, who hoped that through themselves, as the executive government, all Portugal would henceforth be content to receive laws. Nor did the Regency in Lisbon appear inclined to make any very serious opposition to this revolutionary work. Whether from the dread of receiving personal chastisement, for their long misrule, from those whom they could have little hope of again reducing to a state of subjection, or whether they were willing on any terms to get rid of the English commander, whom they hated, because they envied and feared him, certain it is that they made no vigorous effort on the occasion. Some troops were marched, by the provincial governments, to-

wards the scene of action ; but, as might have been expected, the greater number joined the popular party, formed by their comrades in the north, and none evinced a disposition to commence hostilities.

Had the Regency been serious in their attempts to check these operations, they would undoubtedly have moved the troops in Estremadura upon Coimbra, while the symptoms of disaffection were confined to the neighbourhood of Oporto, and by this means a formidable barrier would have been opposed to the revolution. The Conde of Amarante, who, as General Silveira, had distinguished himself during the war at the head of the Portuguese militia, now commanded in the province of Tras-os-montes, and remained faithful to the king : General Victoria also, in the province of Beira, manifested unshaken loyalty. But the Regency neglected to come forward with that promptitude which alone could ensure success at such a crisis ; and their hesitation was fatal to the loyal principles of the soldiery, prepared as they were to act under the command of such men

as the generals above named, and to maintain their fidelity, had they seen themselves properly supported by the Regency. But upon the indignant representations and remonstrances of the senior Anglo-Portuguese officer in Lisbon—an officer who had already highly distinguished himself, and whose recent conquests in the East have added new glory to the British arms—the agents of government frankly told him, that the Regency desired to avoid the effusion of native blood, and that, fearing to irritate the army by employing foreigners against their own countrymen, they had determined to remove all British officers from active employment, as far as they were able :—and this resolution they forthwith carried into effect.

The Regency thus completely paralyzed the efforts of about eighty English officers, who were scattered throughout the country with the different parts of the army ; and who whould have exerted themselves to the utmost to arrest the progress of revolt, before it extended to those regiments which had taken no part in it at the commencement.

To the good spirit which still, at this time, pervaded the troops, I can bear testimony from personal observation. My duty led me to Santarem, to superintend the passage of those regiments across the Tagus, whose route, from the province of Alemtejo, lay in that direction; and I had then a fair opportunity of estimating the extent of their loyalty, and subordination. For, having observed some appearances of increasing disaffection among all the authorities, and great numbers of the inhabitants in Santarem, I met the first regiment previous to their crossing the river, and took an opportunity of communicating to their colonel the result of my remarks, with a view to his guarding his men from the contamination of seditious principles. Acting upon this intelligence, he resolved to address his regiment; and as soon as they formed in the upper town, previous to dismissing them, he spoke in the presence of innumerable spectators: telling them that, as they had now entered a different part of the country, it was necessary to give the inhabitants some evidence of their loyal feeling; and

that he therefore took the occasion afforded him to repeat the declaration which they had so often made, of their readiness to lay down their lives in the cause of their beloved sovereign, to whose name he was sure they would now join their *vivas*. This was done immediately, with loud acclamation, by the whole corps: evidently to the no small annoyance and discomfiture of some hundreds of suspicious characters, who had surrounded the regiment, waiting their opportunity to tempt the men into disloyalty, and who now slunk away, discouraged by this cordial burst of attachment to the cause which they longed to subvert.

These troops had been ordered to form part of an army which appeared destined for the covering of Lisbon; but which was directed to take its station only about fifty miles in advance of the capital: an arrangement so absurd that it appeared as if intended to give time to the revolutionary powers in Oporto, to strengthen themselves with all the military force in the north, and to march at their leisure upon the metropolis.

While the zeal of these men cooled in inaction at their quiet post, and while their minds were practised on by the disaffected people about them, the troops under the Conde of Amarante and General Victoria, finding themselves altogether unsupported by the government whose part they had espoused, began to waver, and by degrees joined the party who had proclaimed the constitution. It was thus evident that the revolters were to be opposed with no weapons more formidable than the fulminations of a government which had nothing to urge in its own favour, and which now by its pusillanimity invited redoubled contempt and derision: conceding under the impulse of fear what the demands of justice could never extort from it.

My official duty in Santarem being fulfilled, I applied for leave to join the army then forming; but in answer received an order to repair to Lisbon, and there became acquainted with the prudent resolve of the Regency against employing the British officers in their mock attempt to suppress insurrection. Few as these British officers

were in number, there can be no doubt of their anxiety to have supported, with the utmost zeal, the cause of the monarch in whose service they were then commissioned ; and the consciousness of being popular among the military would farther have encouraged them. But they were regarded with a very different and decidedly hostile feeling, by those who aimed at the overthrow of all existing institutions, and who would have scrupled at nothing in order to get rid of them. Of this I had an opportunity of judging, from an attempt made to assassinate me, in Santarem, immediately after the troops had passed, and which could not be ascribed to any motive whatever but that of revenge for the active discharge of my duty in that town and its environs. For it had been perceived that I had exerted all the influence which I possessed among the native officers in command, in a manner most unfavorable to the perfidious designs of the revolutionists.

Arriving at Lisbon early on the memorable 15th of September, it was my fortune to witness the events of that day, always cele-

brated as an anniversary dear to the Portuguese—the expulsion of the French army from their territory. At this time, however, the Regency were too well acquainted with the growing discontent of their troops to venture on the accustomed ceremonies of a field-day ; and the different regiments were commanded to remain quiet in their respective quarters ; with the exception of a small party, who were to proceed, about four o'clock in the afternoon, on some detachment. The gallant subaltern at their head, conceiving that he could better distinguish himself by a less troublesome march in a different direction, repaired to the Rocio Square, and proclaimed the constitution. Here he was presently joined by the remainder of his regiment, with the exception of their commanding officer : he was an Englishman, who, having recently been removed from another corps, where he had been for years idolized by both the officers and men under his command, could possess little influence among those to whom he was yet a mere stranger ; and his dissent from this revolutionary determination failed to prevent the movement.

Other regiments quickly received intelligence of these proceedings; and as the novelty of assisting to proclaim the constitution was a sufficient inducement to the thoughtless, so others gladly embraced the opportunity of effecting any change, well assured that none could be for the worse. The whole garrison was soon in motion, and the Rocio exhibited the very scene which this wise government had congratulated itself on preventing—a national change, effected by the cries of a few troops. Nothing can better illustrate the helpless character of the Regency than the manner in which these tidings were communicated to its managing member. This great personage resided at Belem, about three miles from Lisbon, where a regiment of cavalry was likewise quartered. Its commandant was a nobleman, who happened at the time to be paying a visit to the worthy secretary. An officer of the corps, being in Lisbon when the affair commenced, galloped off to Belem, to bring his own regiment in for a share of these bloodless laurels. Ascertaining that his commanding officer was with the minister, he

repaired to the house, and on being ushered in, told him that all the troops were assembling in the Rocio, and that he must immediately lead his regiment thither also. "What can this be?" said the colonel, turning with a look of enquiry to his host, who despairingly shrugged his shoulders, "His excellency, the governor of the kingdom, has given no such order." "Neither can he issue any orders," rejoined the bold dragoon, "for his excellency is no longer a governor in this kingdom."

Thus unresistingly fell the power of a man who had aspired to, and attained, the chief place in a nation's councils, and who endured to see that authority wrested from his grasp, rather than fail to satiate his jealous hatred of the British commander in chief, whose talents had overawed him, whose real services had shamed him, and whose well-earned popularity had envenomed his envy. Had the kingdom been his own, such conduct could only excite contempt; but we must recollect that his authority was held in trust for an absent sovereign, who had con-

fided to his care the whole extent of his European dominions; from which his royal person and family had been exiled by the violence of foreign aggression. The king of Portugal was defrauded of his sovereignty, that the leader who had created her army might partake in the exile of her monarch.

One native general was found faithful to his trust, even at the imminent peril of his life. He had for many years acted as adjutant-general to the army, and on this occasion made a bold effort to reclaim the troops. Repairing to the Rocio, where they were collected, busied in displaying among the people their newly-awakened enthusiasm, this officer harangued and remonstrated with them, but in so doing only produced such exasperation as rendered his personal escape extremely difficult. The time for stemming this popular torrent had passed away, and every barrier was levelled before the burst of national feeling. Gratified by perceiving how high they stood in the estimation of the mob, and contrasting it with the ungrateful return made for their services on the part of the late

government, the soldiery, to a man, now appeared confirmed in the choice so precipitately adopted. While feasting, bull-fights, and illuminations manifested, for several successive days and nights, the popular joy, a perfect unanimity prevailed, and Portugal was thoroughly revolutionized.

The government of Oporto considered themselves entitled to a priority of rank, having been the first in actual revolt, and in their own estimation perfectly qualified to lead the national councils. But Lisbon still asserted her superior claim, and only conceding to the others the privilege of incorporating a portion of their own junta with that formed in the capital, extinguished the temporary blaze of these northern illuminati.

From the slight sketch already given, of the state in which these events found the nation in general, it cannot be doubted that Portugal hailed as a deliverance this complete change in her government. Misery, in every form, had been for some time the lot of her inhabitants; the few who prospered did so at the expence of the many who were nearly

perishing ; and matters were in too desperate a state to receive amelioration from any thing short of a total revolution. Of a constitutional charter, few had any defined idea ; but they were assured that it would lead to national prosperity, and that England gloried in tracing to hers all that greatness which rendered her pre-eminent among kingdoms ; and which had enabled her, within their memory, not only to sustain unmoved the menaces, and to dare unshrinkingly the assault, of a hostile world combined, but even at the very period of her own greatest difficulties to stretch forth a protecting arm, and deliver other nations from aggression. Extolling thus the charter of England, the new legislators assured their admiring hearers that the constitution which was about to be conferred on them, would far exceed in the excellency of its privileges this distinguished prototype ; and consequently would exalt Portugal considerably above the degree of dignity to which England had attained.

In Portugal, as in other countries, a numerous class of men may be met with, whose

mode of elevating themselves is by dragging down to their own level their superiors in wisdom, worth, and station. This description of patriots had now much on their hands, and they diligently improved the opportunity. They excited a blind enthusiasm throughout the country in favour of the *beau ideal*, which they prevailed on the poor people to believe would be invested with a tangible shape for their benefit; and they encouraged the matchless ingratitude that now began openly to shew itself towards every thing English. It was rightly calculated that our government would not afford their sanction to these disorderly and rebellious proceedings ; and, greatly over-rating their own resources, the people were led to imagine that they should no longer need the support of a foreign ally. Expecting that the treaty of 1810, which was generally unpopular with these misjudging people, would now be rescinded, they were taught to believe that, by prohibiting the importation of British goods, they should ensure the revival of their own manufactories, and restore to Portugal as high a share of prospe-

ri<sup>7</sup>ty as she could ever boast, when in the undisturbed possession of her most valuable colonies.

The speculators who originated or encouraged this delusion, quite overlooked, in their sagacity, the extensive market for their produce which England afforded by her large annual importations of fruit and wine; nor did they seem to take into their account the distress that must inevitably ensue when these things were left upon their hands, and the chief riches of their soil abandoned to moulder where they grew. Englishmen were wantonly insulted by persons who could not assign a reason for their disgraceful conduct; and the spirit evinced was rather that of a peevish and envious child, than of a nation shaking from its limbs the shackles of which it had long complained.

The assembling of the Cortes was an event to which every one now looked with the most intense and impatient anxiety. Much time was lost, and very disgraceful scenes took place in the discussion of trivial questions, referring to the forms by which the

deputies should be elected ; and other matters equally unimportant in comparison with the weighty affairs that called for immediate discussion. These frivolous disputes sufficiently indicated the extent to which a factious spirit was carried, even at the outset : but at length the Cortes met. Some men of talent had been chosen among them ; and from this hopes were entertained that measures would forthwith be adopted to improve the internal condition of the country, by checking abuses, introducing wholesome laws, and enforcing neglected regulations. But these hopes were soon wearied out, and every thinking mind disgusted by the idle delays, forms, proclamations, and ridiculous acts of a body, which appeared under the guidance of a few madmen, more fit to inhabit the cells of a lunatic asylum, than to occupy such a responsible place, and to frame laws for the government of a nation. After sitting four hours to encourage each other in the most virulent, indiscriminate abuse and invective against all established institutions, whether political or religious, these demagogues arose, well satis-

fied that they had performed the duties of a deliberative assembly, and fairly earned their daily moidore. They seemed to seek only the applause of admiring galleries, who measured their approving vociferations by the quantum of senseless violence contained in these oracular harangues, and never failed to mark with their weighty displeasure any tendency to reason or moderation betrayed by the people's leaders.

Some members there were, who could not speak without exhibiting the good sense and talent which they really possessed ; but these were few, and soon overwhelmed by the clamour of the majority. Though both qualified and inclined to benefit their suffering country, this better portion of the Cortes was thus rendered perfectly powerless ; and every hope of lasting advantage from the recent changes became rapidly extinct, as these scenes underwent their unvarying repetition. Many had acquiesced in the revolution solely from a compassionate desire to try every mode for the amelioration of the distresses under which Portugal groaned ; and these men now dis-

covered that the compromise of their loyalty had left them nothing but regret for having sanctioned such proceedings. For, as they expressed themselves, "the game was the same though the partners were changed." This host of complainants was daily augmenting, and shortly became considerable throughout the country; and it may be well here to take a short review of the classes which chiefly composed it, and among whom discontent was most evident.

Loyalty to their kings has long been the marked characteristic of the Portuguese nation; and although John VI. was not living among his people, yet a large share of the population, particularly in the provinces, venerated their sovereign's name, and detested a system whose principle it was to hold up that name to scorn, and to cover it with opprobrium. These were loyalists in their hearts, at all times, whom it was difficult to reconcile to any other form of government than an absolute monarchy; and their repugnance to the new order of things was increased when they saw their present rulers

actuated by one unvarying spirit of hostility against all that they revered, and out-doing the late Regency in their reckless sacrifice of national prosperity to their own selfish purposes.

There were also a less numerous, but more interested class of persons, who longed to see the popular government overthrown. These were in possession of small pensions, granted by the king, and necessarily hostile to innovations by which their little allowances might be hazarded, but could never receive an increase. Next came the territorial magistrates, who of their small stipends and triennial appointments, made the greatest profit that they could accumulate, by oppressing those within their jurisdiction. The people were loud in complaining of their judges, who now saw but little probability of being again employed as before. Not that the government was active in redressing grievances, but because it foolishly menaced all who had held situations under the old regime. The re-establishment of the ancient despotism, therefore, of course was secretly and earnestly

desired by these petty tyrants, who would have rejoiced in the overthrow of any system which did not promote their private interests.

None, however, were so decidedly opposed to the Cortes as those of the nobles who had remained in Portugal, and were subjected to the most disdainful treatment from men in power; while, in a manner equally illiberal and impolitic, they were deprived of certain privileges, enjoyed for years, and prized as the inseparable accompaniments of their superior rank. They felt themselves wronged and insulted; and in their natural resentment were joined by those numerous dependents who always cluster around the Portuguese nobility: forming altogether a body prepared to throw a very considerable weight into the scale of loyalty, should the slightest appearance of re-action afford them opportunity. Even the field-labourer had powerful reasons for wishing to see such re-action; his daily wages had received no accession, while the bread that he was obliged to purchase for his family was increased in price to the amount of 50 per cent. by the operation of corn laws,

enacted by the Cortes with their usual defiance of all rational calculation, to the deep injury of the very persons, the farmers, whose advantage they were ostensibly intended to promote.

In forming these laws, the Cortes availed themselves of the model held out by ours, without considering the very dissimilar character of the two countries, with regard to that branch of agriculture. No foreign corn was allowed to be warehoused until that of the country had reached a certain price; this maximum was fixed too high, and consequently afforded the monopolists, among whom were some members of the Cortes, an opportunity of making nearly a hundred *per cent.* on their speculations. The average produce of the land was equal only to about eight months consumption in the year, the price of bread continued to rise, and thus the nation derived no real benefit whatever from these arrangements. *+ small Farmers.*

The greater part of the land in Portugal is held by small farmers, whose poverty obliges them to sell a considerable portion of

their corn at the commencement of harvest, in order to enable them to get in the rest of their produce. This was generally bought up at very low prices, not exceeding half the maximum that must be reached before foreign corn could be admitted; and the purchasers were agents of monopolists, who favoured each other's interests, and combined to keep down the value by avoiding competition. This corn was then lodged in stores until the price had nearly reached its maximum, and it not unfrequently happened that the poor farmer went to buy his own corn again at nearly double the amount for which he sold it. His out-door servants, with the exception of field-labourers, are generally paid in kind; and for this purpose, as well as for family consumption and seed, he must supply himself with grain at any cost. When I mention that the farmer sells the first-fruits of his corn-fields for means to gather in the rest of his harvest, I include under that term his vintage also; and to this must be added the expence attendant on the necessary labour of digging the vineyard and pruning the vines.

The stock reserved by the farmer being exhausted by the time he requires seed for spring corn, the sale of his wine enables him to buy what he needs for this purpose, and his support during the year. But at how great and unjust a loss his purchases had now to be made has been before stated; for at this period the granaries of monopolists were resorted to, and they of course refused to sell at a rate much below the restricted price. So cruelly were all farmers not possessed of capital aggrieved by the laws enacted and maintained under the plea of protecting them, that they were naturally impatient to shake off a yoke which pressed so heavily upon them, and they could not but cherish feelings decidedly unfriendly to the government which involved them in continual distresses.

Another formidable band of oppositionists stood arrayed against the new system. These were the parochial clergy, and different religious orders with which Portugal abounds. The vast number of the latter, the unlimited influence which they possess over the minds of the people, and their consummate skill in

directing such influence so as best to promote their own private interests, should have induced the Cortes to make any possible sacrifice to attach these powerful allies to the constitutional party, as knowing that their enmity was not to be despised. But, on the contrary, every provocation and indignity was levelled at them ; and they were impoverished and scattered about the country : as if to give force to their assertions, in proclaiming to their bigotted disciples, that their faith was insulted, the property of God wrested from his delegates, and the religion on which they all relied for the salvation of their souls assailed and overthrown. So sedulously did the infatuated government of Portugal labour to arm against itself the most powerful bodies in the kingdom.

Nothing can be more evident than the necessity of diminishing the overbearing authority of the church in that country ; but the utmost care and circumspection are requisite in pursuing this difficult work. It must be one only of time, and gradual operation. The Cortes began by abusing every

religious institution in a more vehement manner than the greatest latitudinarian would sanction ; and after this specimen of their good-will, they proceeded to legislate for the ecclesiastical body. Finding that the establishments of different orders were not complete, they submitted to the monks an alternative, fraught with objections and inconveniences on both sides. It was made optional with them, either to proceed to other prescribed convents of the same order, in which the vacancies, occasioned by death and other casualties, had not been filled up, or, on a daily pittance, to forsake the monastic life altogether, and return to their homes. The latter was generally preferred, rather than a tedious journey to incorporate themselves with strangers, who would naturally regard them as intruders on their convents ; and by this means, a great number of exiled monks were thrown among their friends in idleness, to inflame the minds of others with their own resentful feeling of decided opposition against the Cortes. The persecution which they were suffering, they abun-

dantly repaid by exciting a sentiment of hatred, peculiarly bitter, as it was grounded on what they conceived to be a zeal for the honour of religion. And they not unnaturally felt their professions and themselves outraged by men who began with an open avowal of the scorn in which they held the institutions of the national church.

If by these measures the Cortes expected to decrease the local authority of the monks, they betrayed an extraordinary ignorance of both churchmen and laity ; for nothing could more directly tend to increase and spread the very influence which was dreaded, as the event clearly shewed. Popular sympathy was awakened in favour of the dispossessed communities of monks ; and the character of a suffering priesthood, of which they failed not to make the most, was enveloped in two-fold sanctity among these zealous devotees of the Romish faith. If the anxiety of the Cortes to seize on the estates of the church be alleged as a strong motive for these arbitrary proceedings, it must be observed that the orders thus assailed were by no means

the richest ; and that the spoil was far too scanty to be worth the perilous venture. The cruelty practised towards the patriarch of Lisbon, on his refusal to take the oath to the constitution, is well known. It aroused against the Cortes all the female population, who so effectually exercised their influence over the other sex, that I have seen many ardent liberals transformed into the most decided anti-constitutionalists, solely at the instigation of their wives. No act of the regency had ever armed against them this formidable host of ladies ; who now proved themselves equally willing and able to perform an important, though not a conspicuous part, in directing the national feeling.

Another unwarrantable proceeding, by which the Cortes excited a powerful sensation throughout the country, was, the seizure of many most valuable brood mares and cows, with horses and bullocks of the finest breed, all of them the private property of the king ; which, with an utter defiance of decent respect, they had the temerity to sell, without even asking his majesty's consent, and ap-

propriated the purchase money as they thought proper. These, and similar outrages on propriety, gradually turned the mass of the people against them ; while the little good which they had effected, for it must be allowed they did some, was too unimportant to counterbalance such a tissue of folly and injustice ; so that, had the king acted with spirit and firmness, on his arrival in July 1821, and, instead of recognizing the existing government, asserted his legitimate and uncontrolled authority over Portugal, there can be little doubt but he would have established it again without bloodshed or difficulty. Of this the Cortes were well aware ; and they accordingly adopted a line of conduct, that, through the timid acquiescence of the king, succeeded in confirming their tottering power under royal sanction.

The situation of the monarch was most pitiable ; compelled to take shelter in a distant colony from invading enemies at home, he was now again driven back to his European dominions by the widely spreading spirit of independence ; which, however

laudable in its nature and object, was frequently most tyrannical in its operations, and injurious in its effects. The Brazilian revolutionists had promptly followed the example of their mother country ; and, early in the year 1821, they had extorted from the king, then resident among them, his consent to a constitution on the model of that adopted in Portugal. Many disorderly proceedings, and some bloodshed, took place, before the king finally decided on leaving America ; where, however, he still enjoyed a far greater share of decent respect than awaited him on his arrival in the Tagus, after an absence of fourteen years.

Calculating, no doubt, upon the known want of energy which characterized their sovereign, and upon the absence of his more enterprizing son, Don Pedro, who remained at the Rio, the Cortes sent to his majesty a deputation, who, to the formality of a welcome, added the insolent declaration that he would not be permitted to land in his own kingdom, until he had sworn to the constitution ; and this oath he must again repeat in

the presence of the Cortes, to whose assembly he would be required to repair, immediately on his disembarkation.

For three days was the monarch prevented from landing after his long voyage, harassed by the messages and dictations of these loyal and loving subjects; and when at length the poor king proceeded to disembark, the greater part of his suite were informed that the Cortes had issued no permission for their accompanying him. They were immediately banished to the interior of the country, without even the imputation of any other crime than that of personal fidelity to their royal and unfortunate master. Thus did the followers of the king first experience a taste of those blessings of freedom in which their happy country so loudly exulted; and thus were more and mightier enemies continually enrolled against that system, in support of which the Cortes should, in common policy, have sacrificed all private and party feelings. To all these insults the king submitted with the patience of a man who considers his case irremediable: he swore to

the constitution on board ship, repeated the oath in presence of the Cortes, and went in procession to sing Te Deum, for events that must have pierced his heart with anguish.

The enthusiastic reception given to him on his landing, shewed that he was still dear even to the seditious population of Lisbon ; and a man with greater determination of mind, might, in his situation, by one bold effort, have rallied around him the whole body of the military. For the army were still exceedingly discontented at finding their long arrears of pay withheld ; and would at that time gladly, at the easy price of overturning the constitution, have purchased the regard of their sovereign.

In the name of that sovereign, and for his throne, they had long fought and conquered. Their native loyalty, though smothered for a while, was never extinguished ; and now, for the first time, beholding him, a meek old man, curtailed of his royal privileges, deprived of his most attached followers, and mocked with a show of deference from those who professed to honour him, while their

every act was an insult; the most careless heart became interested, the most obdurate affected, among the troops that witnessed his indignities and wrongs.

Nothing could have been further removed from the king's intention than this return to Europe, if affairs had not assumed such an aspect in the Brazils as wrought upon his fears, beyond the endurance of a mind so constituted. On the very day before he actually embarked at the Rio, forty citizens had been slain by the bullets of his troops, who were commanded to fire on the building where these people had contumaciously enclosed themselves. Much exasperation was naturally to be expected after so severe an act; and even Don Pedro, with all the advantages of youth, enterprize, intrepidity, and decided popularity in his favour, found it a most trying situation, when left to encounter the difficulties that chased his father from the scene, and obliged him to seek a refuge in his native kingdom. That the latter never meditated a second voyage across the Atlantic appears evident, when we recollect

that all the influence of our government had been insufficient to induce his return in 1815, when England sent an ambassador to Lisbon to receive him, and dispatched a British admiral, with his squadron, to escort him home. He was at no loss for various, and what he considered very sufficient reasons, to explain his present line of policy as the result of mature deliberation; but I believe all might be traced to that excessive timidity and constitutional indolence, for which he was remarkable.

Few characters, moving in so exalted a rank, have been so imperfectly understood, or so erroneously represented, as John VI. Himself an upright and simple-hearted man, he was slow in suspecting others of the craft by which they deceived him, and very deficient in that penetration which unmasks a knave. He confided in designing persons, and was their dupe, although really possessing a quick comprehension, and capable of very discriminating judgment on ordinary occasions. Had his lot been cast in a more humble station, he would doubtless have at-

tained a reputation above mediocrity among his own countrymen, and shone in the various characters of social life. Kind and benevolent to a great degree, he would have been found a valuable member of society ; and in parental affection he could not easily be surpassed. His religion, too, was sincere ; for, although attached to the pageantry and external forms of the Roman Catholic church, he did not rest there, but strove, by a practical application of the precepts of Christianity to his own conduct, to recommend the same course to others. His virtues, generally, were indeed of a passive kind ; and they were called into constant exercise by the many trying scenes which it was his lot to encounter : for few have been more deeply taught in the school of misfortune than this mild prince. Viewing him as a sovereign, we find his reign marked by one continued series of disasters, almost from the day of his assuming the regency to the hour of his death : as a man, we behold him a prey to the most tormenting bodily infirmities, and his mind borne down by such harassing dread

of personal danger, as rendered his life burdensome to him. Looking into his private family, we there perceive the commencement of those conspiracies that subsequently rendered his closing days truly miserable. A want of cordiality had long subsisted between the royal pair, which the political state of Portugal assisted to widen into an irreparable breach.

The queen was, in many respects, the reverse of her consort; possessing, in a high degree, that energy of character in which he was so lamentably deficient. His conciliating line of conduct she viewed with a jealous eye, rightly judging that it would ultimately lead to heavier calamities, and endanger his title to that throne which she naturally desired to see in the undisputed possession of her son. “Oh that Pedro were but here!” she was heard to exclaim, on witnessing the disrespectful, overbearing manner of the deputies “he would soon teach these rascals their duty, and bring the nation back to its allegiance.”

The Cortes passed a law, imposing on

each member of the royal family an oath to support the constitution : with this injunction the queen positively refused to comply. She was told, that, unless she forthwith gave the required pledge, the penalty of expatriation would be put in force against her majesty ; to which she undauntedly replied, that such a proceeding was what she most anxiously desired ; as it would enable her to rouse the spirit of every European court against the despotic acts of the usurpers. Startled by a declaration so open, backed as it was by a line of conduct equally decided, the Cortes felt themselves greatly embarrassed ; nor could they devise any other mode of preserving their dignity, and reconciling with it the interests of their cause, than the ungenerous expedient of passing a vote on the state of her majesty's health, the true purport of which was to establish the assumed fact of her insanity ; and on this plea they confined her to a solitary country palace, near Cintra.

Such a proceeding would appear at least to demand peculiar delicacy in those who

conducted the enquiry and led the debate. But so far from this being discernible, the Cortes set all temper and decency at defiance, and stamped themselves with disgrace. Declamations were heard, on all sides, as disgustingly indelicate in their nature, as they were cruel to the unoffending king. Every opprobrious epithet was applied to his consort; while the impossibility of his being the father of some of her children was publicly descanted on, and proclaimed to the nation. And, to reach the climax of scurilous slander, it was openly asserted that a servant of the palace stood in that relationship to the prince, who, from the state of Brazil, then appeared most likely to take possession of the Portuguese throne.

Even supposing that any foundation had existed for such gross assertions, can it be wondered at that a woman, and a queen, should find her heart burn with indignation, and eagerly seek opportunity for vengeance against the persecutors, who assailed at once her person and her fame? She opened a communication with her brother, Ferdinand of

Spain, indulging a hope, that as the French nation had afforded him effectual aid against his revolutionizing subjects, the same interference might, through his influence, be extended to Portugal. To achieve this object openly she found impossible ; but it was soon understood that friends would not be few or lukewarm, in aid of any counter-revolutionary movement ; for, by this time, a general disgust against their rulers had taken possession of the public mind. Sensible and considerate men, who had watched for some indication, on the part of the government, of conduct fitted to guarantee the future welfare of the kingdom, now, wearied out with fruitless expectation, confessed how few and inadequate were the steps that had been taken towards such desirable ends ; and they admitted that, miserable as had been the state of the people under the late regency, the popular change had wrought no advantage for them ; and that, on the contrary, their condition was far worse than formerly.

The wretched policy of the Cortes in despatching expeditions against the Brazilians,

instead of quietly acquiescing in events which they had not the means to prevent, had produced the natural effect of provoking that people to separate themselves altogether from the mother country, and to close their ports against her vessels ; leaving no market for the inferior wines of Portugal, which, remaining in the hands of the farmer, proved his utter ruin. Labourers, who in the winter of 1822 could not gain, by their utmost exertion, sufficient bread to support their families three days out of the seven, cursed the policy that involved them in wretchedness so deep. It was apparent, too, that the injustice and partiality which, previous to the revolution, disgraced every branch of the executive government, continued unabated under the new system ; and the situations in which the creatures of the Cortes had established themselves, presented as foul a scene of petty oppression and practised roguery, as had ever been displayed in former times.

To give one instance, I will mention that branch of public service connected with the conscription for the army. This had formerly

been effected by the division of the country into regular recruiting districts, each of which was under the superintendence of a civilian, with the rank of lieutenant colonel in the army, who kept a list-book of those individuals liable to serve, and of those pleading exemption from the call. This person bore the title of Capitaô-Môr, and was usually a man of property in the district: he received no pay, but the office was considered honourable, and as such appeared in great request. But the motives that induced most to aspire to it, were far from laudable, or even honest; and it became as cruel a speculation of gain as any other existing.

Men who, from the circumstances of their families, ought in justice, if not by law, to have enjoyed an exemption from service, were thrown into prison, because the poverty of their relations incapacitated them from meeting the heavy demand of bribes for delay, and were forwarded, without indulgence, to the recruiting dépôts. But others, whose friends possessed both means and inclination to satisfy the griping avarice of the

manager, on well understood terms, were excused from serving: although from their station in life, and by every principle of law and equity, they ought to have been among the first enrolled. These men were exempted, too, on pretences as difficult to detect at a distance, as they were notoriously evident to all who had closer opportunities of observing the parties, and ascertaining their respective circumstances. Concealment, indeed, was hardly attempted on the spot by these corrupt functionaries, who enriched themselves from the spoliation of their neighbours; as may be inferred from the laconic and expressive terms in which a person just appointed to the situation announced the tidings to his wife. "Madam," said the new made Capitaô-Môr, "I congratulate you upon the increase to your income of three thousand cruzades a year." Considering that no government pay was attached to the office, this will give a tolerable idea of the extent of the practices by which it was rendered a place of emolument.

Under colour of putting an end to these

oppressive exactions, the Cortes suspended the Capitaô-Môr, and caused the recruiting conscription to be carried on under the superintendence of the militia colonel, and constitutional municipality of the place. How far the grievance was abated, and the system of bribery checked, by this reform, I had an opportunity of judging from personal experience. One of my shepherds being measured by the new authorities, and found of a sufficient height, was ordered to return on the following morning, and remain in attendance ; as, in all probability, he would be enlisted. On hearing this, I lost no time in dispatching a pair of turkies to one of these patriotic members of the constitutional municipality, requesting his acceptance of them, and remarking, that the lad was too sickly to make an effective soldier, although very well equal to his present employment in keeping part of my flocks ; on which account, I added, his loss would seriously inconvenience me. To this I received a very civil reply, in which my friend informed me that he was prohibited from accepting presents on any occasion ;

but that as I, being a foreigner, could not be expected to understand perfectly all their laws and customs, he could not think of offending me by returning my gift, the beauty of which he greatly extolled. However, as my shepherd was already noted down on the list, it was necessary that he should attend in the morning, as directed. The poor fellow went, with a heavy heart, and was immediately called out, to be again brought to the standard ; when—wonderful to relate—either his sorrows or my turkies had produced such an effect on his stature, as to decrease it by nearly two inches in the space of twenty-four hours, that diminution being found needful to reduce him below the regular standard which it was now happily discovered that he did not reach. The finesse of the proceeding certainly indicated some delicacy, or at least caution, on the part of these new authorities, compared with the unmasked knavery of their predecessors : how far it argued a change of principle, the reader must judge.

## CHAPTER III.

1823—1824.

*The Count of Amarante raises the Standard of Counter-Revolution—Abortive Issue of his Enterprize—He retires into Spain—Alarm of the Cortes—Intrigues of the Queen—Humiliating Dissimulation practised by the King—The Cortes remove a suspected Regiment from Lisbon—The Infante, Don Miguel, secretly quits Lisbon and puts himself at the Head of these Troops—The Garrison of Lisbon march off to join him—Consternation of the Cortes—The King escapes from their Hands—Easy Suppression of the Constitution of 1820—Re-establishment of the absolute Government—Rise of the notorious Pamplona, created Count Subserra—His successful Intrigues—He acquires a despotic Influence over the King's Mind—Severities exercised against the Queen—Indignation of Don Miguel and his Adherents—Mal-Administration of Subserra—Don Miguel excites the Army to revolt—Estimate of his Conduct—Downfall and Flight of Subserra—The King enthralled by his Son, and the absolute Party—Their revengeful Violence and Tyranny—The King, in concert with the Foreign Ambassadors, escapes on board a British Man of War—Don Miguel enticed on board, arrested, and banished—Restoration of the King's Authority—Influence enjoyed by the British Ambassador—Injudiciously withheld—He suffers the Restoration to Power of Subserra—Renewed Misconduct of that Minister—Recal of Sir E. Thornton—Sir W. A'Court succeeds him as British Ambassador at Lisbon.*

As nothing but the voice of the army had been required to effect the establishment of the popular constitution, so, at this period,

nothing farther was necessary to its overthrow ; nor did the concurrence of the troops appear unlikely, for discontent was now on the increase among them also. Their pay was as much in arrear as ever, and the majority of deserving officers were indignant at seeing a few who had been most active in accomplishing the revolution, promoted over their heads. The soldiers dreaded being sent off in greater numbers to Brazil, where they could reap only the mortification of an easy repulse ; and they were far more inclined to renew, by counter-revolutionary exploits, the fading verdure of the laurels which they had gained in the recent easy triumph over an imbecile Regency.

The flame was at length kindled by the Count of Amarante, son of the loyal nobleman already mentioned, who, on the 21st of February 1823, raised in the province of Tras-os-montes the cry so much dreaded by the Cortes, and proclaimed “ death to the constitution, and the king absolute.” He placed himself at the head of militia and peasantry, and put forth the following proclamation,

which, by its bombastic extravagance of language, was well calculated to rouse the feelings of those to whom it was addressed.

### “ PORTUGUESE !

“ What ! is it not time to break the shameful and infamous fetters by which you are bound ? which weigh you down, and disgrace your honour, glory, valour, and country. Why do you still consent to be treated with opprobrium and ignominy, and stamped with infamy ? Why do you allow the throne of your monarch, the seat of so many kings, to be profaned by a handful of destructive rebels, the enemies of our holy religion, of the throne, of their country ? Are you so cowardly that you will not throw down and confound in its own ruins that shameful edifice which fraud and seduction have been able to raise up on the Portuguese territory ? Be ashamed, and hide yourselves in the bowels of the earth ; be confounded at your weakness ; you disgrace the name of Portuguese—for soon will you see your monarch and his whole family beheaded, your country

flowing with blood, and the project of the wicked covered with the canopy of an ensanguined throne. This was the fate of France, by the hands of the Jacobins ; and it will be the fate of Portugal, by the hands of the Freemasons. Oh, my dear country ! I already consider thee overwhelmed in an ocean of troubles, covered with lamentation and blood. But what crowd, what sound of arms is that I hear ? What is this, Portuguese ? It is the sound of the warlike trumpet—at length then do you awake ? To arms, Portuguese ! fear not, your courage will be equal to the task. Follow me, and let us sweep from our land these monsters, tyrants, and sacrilegious despots ! With you will I die to save our country, religion, and the throne.

(Signed,)

“COUNTOF AMARANTE.”

In the early part of his proceedings, Amarante was joined by several regiments. Among others General Gaspar Texeira, who had taken a distinguished part in supporting the constitution, and was now dispatched to

oppose Amarante, went over to his standard, and consented to act as second in command under him. He was likewise joined by his uncle, Antonio de Silveira, formerly president of the regenerating junta of Oporto; Brigadier Ayres, Paulo de Souza (placed at the head of the junta in Chaves), General Souza Vahia, and more of less note. They procured the old constitution of Portugal, promulgated by the Cortes of Lamego, appealing to it in justification of their present designs, and it was even said they treated with the constitutional leader opposed, on the proposition of a charter similar to that of France. But their movements indicated too little decision of purpose to ensure a prospect of success.

It was expected that, by marching immediately on Oporto, the count would have won from the nothern provinces an unanimous declaration in favour of the ancient regime. But, instead of pursuing this decided course, he made a weak attempt to cross the Douro, in which he was foiled by a very inferior force; and although afterwards successful in

an attack upon the vanguard of Luis de Rego, who commanded the government forces, he neglected to make due use of his advantage, and by injudicious delays gave time to the enemy to repair his losses. The re-inforcements which the constitutionalists, at length received were so considerable, that Amarante had no other alternative than to retire into Spain ; which he did in April, pursued by five regiments, who, however, retreated upon finding that the Spanish General Morillo had made no attempt to intercept the Portuguese royalists. Amarante then advanced to effect a junction with the French army, which had lately entered that country ; but the Duc d'Angoulême declined to co-operate with him, though he allowed him to remain stationary with his followers, about 2000 men, receiving provision by means that must have been permitted, at least, by the French.

This revolt, it must be observed, prevented Portugal from taking any active part against France, although she voted an increase to her army, and directed her ambassador to withdraw from Paris, as soon as hostilities were

commenced by the French against Spain. The occupation of that country by French troops, who had been most vehemently complained of by the Cortes in Lisbon ; and the death-blow thereby dealt to the Spanish constitution, could not but exceedingly aggravate their fears. Combining with these circumstances the openly dissatisfied state of the public mind in Portugal, the recent attempt, and the prepared, though as yet quiescent situation of the unsubdued army by which it was made, the Cortes could not reasonably calculate on a much longer continuance of their authority. That such was their feeling, they shewed by an incessant apprehension of conspiracies, and a watchful jealousy which was apparent in all their proceedings : banishing an immense number of persons on mere suspicion, and without any form of trial. These symptoms of weakness only added contempt to the indignation which they had roused throughout the country, by their violent treatment of the queen and the clergy. The conduct of their troops, who, in the recent struggle, had burnt and destroyed

whole villages, and committed many inexcusable excesses against their own countrymen, added not a little to the general impatience, and hatred of their authority.

Meanwhile the queen had effectually worked on the enterprizing spirit of her second son, Don Miguel, who, since the election of his elder brother Pedro to the new empire of Brazil, was by many regarded as the immediate successor of the reigning king in Portugal. He was prompt as her majesty could wish in the cause, but acted in the most wary manner, conscious how irretrievably injurious one precipitate step might prove to the interests of royalty: the anxious object of those hopes which his mother openly professed, and the king cherished in secret.

It has been asserted that John VI. was friendly to the Cortes, an assertion as absurd as it is untrue. When we remember what an uniform course of insult was pursued by that body towards him, it is impossible to believe for a moment that any feelings but those of resentful disgust could have been excited in the bosom of a monarch so out-

raged. Their shameful reception of him on his return from Brazil, and the tyrannical act of banishing his favourites to a distance of twenty leagues from him, had been followed by a series of wrongs worthy of such a commencement. His income was limited to an allowance, the most scanty for his rank ; the royal preserves, in which he took much pride and pleasure, were destroyed ; his private property was wrested from him, his establishment needlessly reduced, and all patronage taken out of his hands : while the insults that he was hourly made to endure, in one shape or another, leave us still further to wonder that he could so far command his natural and kingly feelings as to practise any deception, and appear a supporter of the constitutional system.

Timidity, the origin of his greatest disasters, prompted this line of proceeding ; and while professing himself a staunch friend to the Cortes, he carried his compliances to an extravagant and ridiculous excess, rendering himself contemptible even to those who most truly compassionated his sorrows. This was certainly the

case, when he voluntarily appeared dressed, as chief of the national corps which had been raised against himself, in a plain brown uniform, made according to regulation, of a coarse cloth, in appearance little superior to our duffield. In this home manufacture, called *saragossa*, the patriotic Cortes directed their national corps to be clad ; but by far the greater part was an English imitation of the native cloth, which was imported into the country and received as genuine.

Shortly after meeting the king thus dressed in the national assembly at Lisbon, I was honoured with a private audience ; when his majesty adverted to the circumstance, and appeared ashamed of having been seen by an English officer in so degrading a light. “ But,” said he, “ we are living in sad times, and I am obliged to conform myself to them.” The period, however, was approaching when insulted royalty might once more raise its head, and vindicate the rights so indecently trampled on by those men who knew no medium between abject submission and the most insolent despotism.

The festival which the Roman Catholic church celebrates under the title of Corpus Christi day, is observed in Lisbon with great splendour. A grand procession takes place, in which the king, the nobility, the military, and the religious orders all perform a part. In times of popular commotion, this day is much dreaded, from the facility which it affords for working on the minds of the immense multitudes then assembled. In this year, 1823, it was the general impression that a counter-revolution would then be attempted; and the hopes and fears of all parties were excited, according as their interests or inclinations pointed. The 23d infantry, was then in the garrison of Lisbon, a regiment which was viewed with particular suspicion by the Cortes, as a well-known enemy to their system; for when every other corps there had declared for the constitution in 1820, this battalion, under General Victoria, continued dissentient, maintaining their loyalty to the last. The government therefore resolved to move them from the capital, previous to the dreaded day; and they were accordingly

ordered to march for Almeida. This proceeding, while it exasperated the regiment, increased their confidence ; for it plainly shewed them how much they were feared by the Cortes, who had deprived brigadier Sampayo of the command, before they issued their orders for the march of his men.

It was on the 26th of May that this regiment quitted Lisbon ; and the infante, Don Miguel, aware how favourable to his view was this event, took his measures with so much secrecy and promptitude, that on the same night he was enabled to leave the capital in disguise, to follow them, and put himself at their head. A squadron of cavalry also joined his standard, and with this slender but devoted little army, the young prince pursued his march to the interior, proclaiming in every place an absolute king, but promising also, in the monarch's name, a more equal constitution to the people. Unopposed, but receiving no accession to his force, he proceeded as far as Santarem, nearly fifty miles from Lisbon, and there learned that a large body of troops was following his route, but whe-

ther as friends or foes he had no means of ascertaining. On the 30th he found that the whole garrison of Lisbon, composed of some troops of the line, and the two regiments of police, were on their way to unite with his force, and place themselves under his command ; all but one battalion, the 18th, which, at the instigation of two of its officers, had refused to quit Lisbon. For this last corps, a far more distinguished part was in reserve ; that of rescuing the royal prisoners, and conducting them in safety to their liberator.

The Cortes were in dreadful consternation on hearing that the garrison had marched off to Don Miguel, leaving them altogether dependent on the fidelity of this one corps, which formed the royal guard at the palace of Bem-posta. They were not long allowed to calculate on probabilities ; for about seven o'clock on the evening of the 30th, this regiment suddenly raised the cry of "Viva el rey absoluto!" Much confusion ensued in the palace yard, and the appearance of the king was loudly called for. His majesty, upon being informed of this, resolved to obey the

summons, and present himself to the soldiery ; but so doubtful appeared the event, that he first called the princesses, and took a tender farewell of them, apprehending that some act of violence towards himself would close these alarming scenes. Surrounded by his household, he then presented himself at a window, and was greeted with the loudest and most unanimous acclamations of those without. The soldiers, with great enthusiasm, called out, “we have resolved to join our comrades, confide yourself to us, sire, we will protect you ; no one shall dare to insult your majesty.”

Encouraged by such language, and persuaded by his attendants, who strongly pointed out the peril of remaining in Lisbon unguarded at such a desperate crisis, the king made an extraordinary effort, and ordered the royal carriages ; the princesses hastily equipped themselves ; and in less than a quarter of an hour the royal family was on its journey, surrounded by the bayonets of the 18th regiment, towards whom no individual dared to direct a single taunt. They travelled

that night as far as Villa Franca, about twenty miles on the road to Santarem, and there remained. His majesty immediately from this place addressed the following proclamation to his subjects in the capital.

“ Inhabitants of Lisbon ! The salvation of the people has always been to me a supreme and a sacred law ; this principle, which has been my pride in the critical circumstances wherein providence has placed me, imperiously prescribes the resolution, which I have to-day taken with regret, to separate myself from you for some days, yielding to the prayers of the people, and to the desires of the army which accompanies me, and has preceded me. Inhabitants of Lisbon, make yourselves easy ; I will never belie the love which I consecrate to you. I sacrifice myself for you ; and in a short time your dearest wishes will be fulfilled. Experience, the wise instructress of nations and governments, has demonstrated in a manner very afflicting to me, and fatal to the nation, that the existing institutions are incompatible with the will,

the customs, and the persuasions of the greater part of the monarchy. The evidence of facts confirms these assertions ; Brazil, that interesting part of the monarchy, is torn to pieces ; in this kingdom civil war has caused the blood of Portuguese to be shed by the hands of their countrymen ; the danger of foreign war is imminent, and the state is threatened with total ruin, unless the most prompt and efficacious means are adopted to avert it. In this afflicting crisis I act as the king and father of my subjects, to save them from anarchy and invasion, by consolidating the parties which are hostile. To attain this desirable end, it is necessary to modify the constitution. If it had made the happiness of the people, I would continue to be its first guarantee ; but when the majority of a nation declares itself so openly and hostilely against its institutions, those institutions need re-form.

“ Citizens ! I do not desire, nor ever did desire, absolute power, and I this day reject it ; the sentiments of my heart are repugnant to despotism, and to oppression. I desire

only the peace, the honour, and the prosperity of the nation.

“Inhabitants of Lisbon! do not fear for your liberties, they shall be guaranteed in a manner which, while securing the dignity of the crown, shall respect and maintain the rights of the citizens. Meantime, obey the authorities, avoid private revenge, stifle the spirit of party, shun civil war, and in a short time you shall see the basis of a new code, which, securing personal safety, property, and employment, duly acquired in any period of the actual government, shall give all the guarantees that society requires, unite all wishes, and make the prosperity of the whole nation.

“JOHN VI. King.

“*Villa Franca, May 31st, 1823.*”

This document certainly was well calculated to sooth the minds of the people, who could not doubt the sincerity of promises which held out to them a near view of that object so desirable to the majority:—a reform of existing abuses, and the establishment of

a well digested and impartial constitution. That such constitution never was given, assuredly reflects no credit on the author of these flattering promises.

It is now necessary to advert to a character, destined, as we shall see, to exert a baneful influence over the councils of the nation, and to involve it in new misfortunes. This was the notorious Pamplona. He had commenced his public career as a traitor to his country, when the French army first assailed it; and he afterwards commanded a corps under Massena, in the invasion of 1810. Subsequently, he joined the army of Buonaparte in his expedition into Russia, and thus identified himself with the destroyers of Portugal, where he was so generally and justly execrated for his treachery, that his effigy had been publicly burnt at Lisbon. To avoid the doom of a traitor, and preserve a life forfeited to his injured country, he remained in Paris at the termination of the war; but when the Cortes published a decree of amnesty in favour of all those who had become outlawed, this man boldly presented

himself at Lisbon, and, incredible as it may appear, was shortly elected a member of the Cortes.

This seat Pamplona vacated only to enter upon the office of minister to the king, whose weakest points he had the address to assail by all the arts of successful adulation. Even while the public prints held him up to deserved reproach, as a designing hypocrite, he obtained an ascendancy over the monarch, which was well calculated to farther all his own plans of self-advancement. He found the constitution tottering on its unsteady basis; and by lending a hand to accelerate its overthrow, he justly reckoned on an increased share of royal gratitude. His treacherous character was too well known to admit of his being confided in by the prince, on the subject of his meditated movement: but Pamplona had cunning enough to calculate on the probable consequences of removing the 23d regiment from Lisbon at such a time; and, expecting important events, he was most opportunely at a country house of his, near the Santarem road, on the

evening when Don Miguel took his private departure from Lisbon. Hence he accompanied the young prince to Santarem.

No sooner was the king's arrival at Villa Franca made known to the troops, than this worthy loyalist found some pretence for hastening thither, and entered upon a system of deceit by which he too well succeeded in duping and misleading a credulous monarch. He asserted that the intentions of the infante were not only to overturn the constitution, but to depose his majesty, as constitutional king, and to place the queen, his mother, at the head of affairs ; and that with this view the prince was collecting all the forces he could muster in Santarem, from whence he would make some violent attempt, if immediate measures were not taken to divert him from his purpose. Having thus excited the poor king's ready apprehensions, he proceeded to counsel that Don Miguel should be appointed commander in chief of the army ; and that he should immediately be summoned to Villa Franca, as for the purpose of being invested with this high com-

mand ; but, in reality, to draw him away from the scene of his treasonable plots.

By enforcing this crafty device, Pamplona effected two objects of great importance to himself: he confirmed and increased the king's personal regard, by appearing as a watchful, faithful servant, who had discovered, and quietly defeated, purposes that aimed at his crown, and, perhaps, life ; and he had also prevented the probable recall of Lord Beresford to the command of the army, which the king would naturally have been eager to restore to him. In that case Pamplona had foreseen that his lordship's sagacity and well-known resolution would speedily unmask his crimes, and expose him to the vengeance which they so justly merited.

The king followed this insidious advice, and recompensed his counsellor with a title, creating him count of Subserra ; while the calumniated prince, by immediately obeying his father's summons to Villa Franca, and presenting himself before his majesty, in all the happy consciousness not only of innocence, but of having rendered most important

services to his family and country, convinced every person who possessed a common share of observation and reflection, that he could have harboured no improper designs, either on his own behalf or that of his mother. The troops retrograded to Villa Franca, and, under the command of their new chief, took quiet possession of the capital on the 4th of July.

The king's entrance soon followed, with all the characteristics of a great national triumph. He was received with the most unbounded enthusiasm, and Lisbon appeared to rejoice in this new change quite as much as in that of 1820. The Cortes had continued their sittings after the king's departure from the capital; and as nothing was now left them but the privilege of talking, they exercised that faculty to the utmost. Indeed, they declaimed most loftily on the heroic examples of Roman senators, in imitation of whom it seemed to be their intention to die in their places. But their patriotic ardour having evaporated in this harmless bombast, which was perfectly in unison with

their former conduct, they resolved to live a little longer ; and when the troops arrived, not one of these legislative martyrs could be found at his post, all having voted among themselves, that the glories of a memorable death were far outweighed by the comforts of a secure and timely retreat from danger.

The whole of Portugal now quietly and gladly submitted to the dominion of her king, acquiescing in whatever his government promulgated : while the Count of Amarante, marching triumphantly from Spain, entered Lisbon, where his arrival was greeted with rejoicings as loud, and probably as sincere, as those which had hailed, some time before, the unfounded report of his death. At court he was received with the highest distinctions : he was created a Marquis, by the title of Chaves, and invested with other honourable rewards, bestowed by a grateful monarch. But, in the midst of all this triumph, his disappointment was great to find his patroness, the queen, in a state very little better than that in which the Cortes had confined her : while the offices to which he had

looked, as the just recompense of himself and his loyal followers, were already occupied by the subtle Pamplona and creatures of his selection. Neither was his indignation abated on beholding those whose punishment appeared certain, preferred and caressed ; while the men who had set a price on his head, as the most devoted partisan of the king whom they insulted, were better received at the court of that monarch than himself, with all his and his family's claims of long service and faithful attachment.

Under the government of the Cortes, men had been brought into notice, who, on the ground of birth or property, had no claim to advancement ; but whose enthusiasm in the popular cause, directed by a competent portion of natural talent, ensured them a degree of distinction, when thus enabled to make themselves conspicuous. These men were treated with kindness and attention by the king ; who, either from the dictates of his native benevolence, or the fear of their again recovering the ascendancy, or else acting in obedience to the counsel of his favorite Pam-

plona, appeared to be forming from among them a party wherewith to defend himself, alike against the intrigues of the constitutionalists, and the suspected plots of the ultra-royalists. This, of course, produced the estrangement of many distinguished friends, who beheld the intrusion, as they considered it, of an order so plebeian, with all the jealous pride for which the aristocracy of the Peninsula are famed.

The precise object of Pamplona in recommending this course to his master, cannot easily be divined; but the whole tenor of his life leads to the conclusion that his motive could not be good. His policy, however, succeeded in promoting his own interests: he was appointed principal minister to the king, and in that office formed every department of the government in subordination to him. As the minister of war, he took into his hands both the patronage and management of the army; and he availed himself of this power to surround the infante so exclusively with his own creatures, that he could do nothing but what had already been marked out for him by

Pamplona. So completely was the prince enthralled by this man, and so notorious was the fact, that instead of being spoken of as generalissimo, according to the rank which the king had conferred upon him, he was frequently called, in derision, and in reference to his subordinate powers, “Clerk of the army.” How the king maintained a government, which the prevailing influence of Pamplona shortly rendered again universally unpopular, has been made a matter of surprise: but, perhaps, the strongest argument in its behalf, was contained in the imposing presence of an English line-of-battle ship, which, on the occupation of Spain by the French troops, had been sent to the Tagus. The continuance of this vessel in the river, and the pledge of British support which it seemed to offer to the king’s authority, tended, no doubt, in some measure to overawe the discontented of both parties; whose numbers were rapidly increasing throughout the kingdom.

The extreme harshness maintained towards the queen, and the unmeasured severity of

her treatment, excited the compassion of many, and daily augmented the number of her friends; until the whole of the party which had been originally the king's, espoused her cause, while the constitutionalists had disappeared, and the king, with the exception of the faction immediately about him, was without political supporters. Yet, among the lower orders he was beloved with an enthusiasm that, all circumstances considered, almost deserves the name of infatuation; and to the prevalence of such a feeling I can bear personal testimony, having witnessed at this time one of the most striking ebullitions of native loyalty that ever I saw displayed.

The king had ordered a wolf-hunt to take place, near Santarem; and for that purpose the peasantry of the surrounding country were commanded to assemble in different directions, all moving upon a point where the royal shooting party were to await the approach of their prey, to be thus driven towards them in a manner similar to that in which the *tinchei* of the Highland

hunters collects the deer. A circle of several leagues was formed, which narrowed as the individuals comprising it approached the central station. When this duty was performed, such a scene ensued as baffles description. The joy of the rustics was of an almost frantic character, when, to the number of about three thousand, they caught a glimpse of the royal carriages, upon which they pressed as though resolved to demolish them. While some shouted their strenuous *vivas* in the most joyous tone, others were bathed in tears of silent delight, and many were thrown to the earth in their attempts to kneel as the carriages moved off.

My astonishment was really great; for I well knew that, in addition to the long protracted miseries to which these poor creatures had been subjected, through the contentions of their rulers, many of them were, at this moment, in a starving condition. For no allowance was made for their support during their attendance, some for three days, others for less, to promote the royal pastime, at a considerable distance from their homes. Nor

could they bear away provision for that period, without leaving their helpless families destitute. Half an hour previous to this enthusiastic display, I had seen the cavalry, who were employed to keep the cordon entire, roughly striking some of them with the flat of their sabres, because they did not move exactly in their assigned places ; yet all was insufficient to abate the force of their loyal devotion. I was riding near the king's carriage, when a poor woman, with an infant in her arms, ran out from a cottage, and throwing herself on her knees, with so little regard to her personal safety, that she was in great danger of being rode over, sobbed out, "Let me see my king ! Look, my child, at our beloved father :—now I can die contented."

In all this there was no artifice, no attempt to produce stage effect, nor any expectation of personal advantage. All was evidently from the heart ; and no one could witness, with indifference, such an affecting burst of simple love from an almost perishing people to a monarch, who, whatever he

might possess of the will, had not enjoyed the power of conferring one national benefit upon them. It was impossible to view the miserable condition and the artless good feeling of these poor creatures without a sentiment of deep commiseration, and an ardent desire that they might be brought to participate in the blessings which civil and religious liberty never fail to produce.

To return from scenes of nature to those of art and insincerity—there was in the king's household another favorite, who, like Subserra, had betrayed the cause of his country, and attached himself to the interests of France; but who, on presenting himself to the king in Brazil, with the assurance of penitent regret, had been pardoned, and replaced in a situation of high favor at court. This man, the Marquis of Loulé, was Subserra's principal supporter, and undoubtedly lent to his schemes much important aid, which his situation so near the king's person gave him abundant opportunity of affording. At the palace of Salvaterra, where the royal family were

passing some time on a sporting excursion, in the month of February, 1824, the Marquis of Loulé was found to have fallen beneath the hand of some assassin. It was reported, that, had the murderer found opportunity of carrying his original design into execution, Subserra himself, and another obnoxious character, would have shared the fate of this unfortunate nobleman, who, however incorrect in many parts of his conduct, was by no means to be ranked with Subserra in the scale of political depravity.

An assertion was confidently made that these murders had been planned by the queen, and that the infante was to direct the execution of her sanguinary project. But of this no proof was ever adduced. If any circumstances could ever palliate the foul crime of murder, the provocations unsparingly heaped against these royal personages might have furnished them with something like an excuse for the crime in their own minds; but it cannot be supposed that, had any thing in the form of admissible evidence been within the reach of their accusers, the latter would have hesitated

to charge them publicly with the act. However, after various attempts to implicate different persons in this melancholy business, a seal was put upon all the proceedings: never again to be opened even for the vindication of those innocent persons, whose names had been most falsely and maliciously connected with the infamous transaction.

The royalist party, and among them the Marquis of Chaves in particular, continued to speak very openly of the mal-administration that prevailed; and it appeared evident that matters would not long preserve an uninterrupted course. Considering how extensive and powerful was the influence exercised by this nobleman among the military, attentive observers expected a movement of the army against the government. Still the infante appeared true to his duty as a son; and before making any attempt to displace the party surrounding his royal father, he took measures to excite an interest in his behalf among the people, who still loved, though they could not much admire their sovereign. Early on the morning of the 30th of April,

1824, the prince hurried to the quarters of the troops in Lisbon, summoning them to take arms for the defence of their king, against whom, he said, a conspiracy was formed by the freemasons, (so the constitutionalists were generally called,) whom he represented as then proceeding, with Subserra at their head, to assassinate his majesty.

The effect of this vehement appeal was instantaneous; the troops sallied forth; and had, in a short time, arrested the whole of the king's household, all Subserra's known partizans, both in military and civil employment, and every person within their reach, who had made himself conspicuous during the days of the Cortes. While the troops were forming in the Rocio, the Marquis of Chaves galloped among them, with his hat in his hand, crying aloud, "Death to the freemasons!" The king was surrounded in his palace, where admittance was granted only to the acknowledged followers of the infante. The prince himself demanded his majesty's consent to institute immediately a

commission for the trial of those whom he denounced as traitors to their sovereign, their country, and religion, with authority to execute forthwith such sentence as should be passed upon the criminals.

The poor king, fearing from his anxious deliverers the violence which they imputed to the intention of others, and unable to extricate himself from the queen's party, which entirely surrounded him, granted all the infante's demands ; and arrests to the amount of eighteen thousand were instantly directed to take place throughout the country. It was a time of general consternation and terror : no man considered himself safe, while the false denunciation of a private enemy seemed the unfailing introduction to a violent death. The committals appeared as indiscriminate as they were numerous : men who were firm friends to royalty, avowed enemies to masonic institutions, and opposed to the Cortes, even on the strong grounds of individual wrong sustained under their rule, were alike dragged to prison, with as little prospect of being allowed to vindicate themselves as the real

adversaries of the royal cause had of escaping princely vengeance. Subserra himself was doomed to suffer death as soon as he should be captured; but he made good his retreat to the residence of the French ambassador, from whence he was adroitly smuggled on board an English frigate.

The foreign ministers in Lisbon effected at length an entrance into the palace, and there solemnly protested, in the name of their respective courts, against the whole of the infante's proceedings. However, the king's terror had completed his imbecility; and throughout his dominions a deluge of blood, innocent as well as guilty, appeared inevitably about to flow, under his constrained, but confirmed sanction.

These events, like most others that took place in this devoted country, have been, either from ignorance or evil design, variously and grossly misrepresented. It has been affirmed, that the queen's party aimed at removing the king from his throne; and that the infante, even in his first proceedings, was actuated by an ambitious desire of com-

pelling his majesty to abdicate in his favour : but if it be reasonable to judge of men's purposes by the tenor of their actions, we may safely conclude that such measures were never contemplated by Don Miguel, a very young man, of remarkably high feelings, and a most active spirit. Educated in the full enjoyment of every royal privilege, and in the bosom of a monarchy whose principles were those of uncontrolled dominion, he had accompanied his parents in what might be called an indignant flight from scenes where revolutionary doctrines were but commencing a practical development ; and when he was brought at once into the sphere of their most overpowering action—when he beheld his father insulted, his mother imprisoned, his own legitimacy openly and indecently questioned—when he considered his brother Pedro, but one year his senior, undauntedly contending with the same hostile power throughout an extensive empire, and heard his mother, in the anguish of her heart, utter unavailing wishes for that brother's presence to defend his royal father from injurious

wrong—can we be necessitated to impute unworthy motives to the prince in explanation of the part which he took? Not only was the queen continually rousing into action all the innate enthusiasm of the youth, but Subserra, the king's chief favorite, having, in his wily calculation, long before this period, anticipated the probable issue of events, and hoping to secure a personal exemption from peril, as the reward of his pretended zeal, had lent it every encouraging aid in his power, when at Santarem.

By an enterprize as romantic as it was daring, Don Miguel had once delivered the royal family from the power of their oppressors; and found the whole army assembling round his standard. Yet, so far from taking undue advantage of this merited popularity, he hastened, at the first summons, to the king's presence, and gratefully received as a royal boon, that nominal command over the forces of which he might have seized the triumphant reality, had he turned to a selfish purpose the enthusiasm kindled by his chivalrous exploit. The only rewards

which he appeared desirous of reaping for these services, were twofold: the restoration of his mother, whom he sincerely loved, to her rights, both domestic and regal, and a due recompence to the faithful few who had assisted him at the outset of his enterprize from motives unquestionably loyal. We may suppose, too, that he was not insensible to the charms of that personal distinction, which he had ventured, at so great a hazard, to win.

So far from enjoying these fair fruits of a generous effort, Don Miguel had the mortification to witness the king's utter helplessness in the hands of a base court faction, headed by a man through whom all his own meritorious claims were rewarded with such a mockery of command as made his very title a common jest; who first vilified, then trampled on him; and from whom his mother received indignities more cutting than those which the Cortes had cast upon her; while the companions of the prince, in his gallant undertaking were openly insulted instead of receiving those applauses

and emoluments which common gratitude should have dictated as their just due. It cannot indeed be supposed that his personal regard for the king equalled in any way that affection which the queen enjoyed. But there can be no reasonable doubt that in the first movement of the troops in Lisbon, under the prince, his object was really to deliver the king and country, as on a former occasion, from a party who regarded his majesty as the mere tool of their purposes. Successful beyond his expectations, the infante was perhaps intoxicated by so complete a triumph, and lent too ready an ear to the Marquis of Chaves and others, who exerted their influence over him as best suited their purposes of political revenge and personal aggrandizement. And thus the impetuosity of his character was wrought to extremes altogether unjustifiable.

The king had been advised by one on whose tried fidelity he well knew the utmost reliance might be placed, to make a mental effort, and to assume at this juncture the exclusive management, and thus to prevent

the excesses too plainly approaching. This counsel, given by a most accurate observer of all parties, whose perfect knowledge of Portuguese affairs peculiarly qualified him to direct the embarrassed monarch, was defeated by that unfortunate infatuation which always selected the most incompetent and short-sighted, if not self-interested advisers, in preference to those who had no object in view but the real welfare both of sovereign and people. He did so on this occasion : and although their plan succeeded in effecting his personal liberation, and averting the impending fate of thousands, its execution reflected little dignity on the kingly character ; and ultimately left the country in a far worse state than previous to these transactions.

On Sunday morning, the 9th of May, the king declared his intention of dining at a country house, on the banks of the Tagus ; and, taking the princesses, he embarked in his barge, inviting the infante to follow in his. The Windsor Castle was moored in the river : on passing near her, his majesty, as if from an accidental thought, proposed to pay a visit

to this English man of war, and was accordingly conveyed there. Soon after this part of the royal family were received on board, the infante appeared in sight ; and a hasty note was dispatched, informing him where the king then was, and that his majesty desired to speak with him. This order was immediately obeyed ; and, indeed, had the prince shewn any hesitation on the subject, the appearance of our men of wars' boats rowing about, must have convinced him that means were at hand to enforce the command if necessary.

On being ushered into the royal presence, the prince found the king surrounded by all the foreign ministers, who had previously fixed a rendezvous here, and who witnessed the address of his majesty, which is said to have been to the following effect :—“ Michael, I have sent for you to confirm, in the presence of these ministers, who represent the sovereigns of Europe, that pardon which I before granted under the consolatory hope that you would amend your conduct. Neither a desire to preserve my life, nor ambition to

prolong my reign, has actuated me in seeking shelter within this ship : I have been led hitherto by a sense of the imperious obligation under which I, a king, am laid, to watch over the peace and happiness of the people whom Providence has confided to my charge. Heaven has condemned me, as a man, to suffer great bodily infirmities ; as a monarch, I have been the sport of successive revolutions ; as a husband, I possess a wife whose constant study it has been to render my life wearisome to me ; as a father, I have two unnatural sons, of whom one has driven me out of a kingdom, and rent it from me, while the other labours to cover my old age with disgrace and poverty—It is my will that, for the present, you remain on board this ship.” The infante was then conducted below, where a cabin and part of the ward-room were appropriated to him ; and here he remained, until a Portuguese frigate was prepared to convey him to Brest, under the escort of a British man of war.

The king had no sooner found himself within the bulwark of an English ship, than

he dispatched orders on shore for the immediate release of every destined victim to fanatical revenge. In Lisbon and its environs alone, about a thousand were already in confinement, and the constitutionalists, who form the chief population of that and other large towns, feeling themselves virtually condemned, though not yet seized upon, hailed as a resurrection from the dead this unexpected exercise of the royal prerogative, while, hurried on by the excess of sudden triumph, they flattered themselves that a free charter would be the next boon granted. Others, conscious of being marked by private enmity, though innocent of political interference, saw at once an end put to that cruel system which had listened to the suggestions of secret accusers. They found themselves rescued from a tyranny which had given full scope for the exercise of individual malice, enabling a private or hereditary foe to satiate his vengeance upon the guiltless, and to plunge whole families in misery and ruin. Such a scene took place in Lisbon as may be imagined, but can never be de-

scribed : every possible mode of expressing joy and exchanging heartfelt congratulations was resorted to : and the poor people, in the transports of this unlooked-for deliverance, forgot that their country had reaped no lasting benefit. For the kingdom was still, as before, the sport and prey of contending factions, who were too much occupied in grasping at power, and making the utmost profit of their short successes, to bend one cordial effort towards the amelioration of those evils which desolated the land.

The troops, however, were too much attached to their prince to hear, without strong emotions of resentment, the report, quickly spread, of his being detained a prisoner on board the Windsor Castle ; but their inclination for a disturbance was happily repressed by the unanimity of the populace, who overawed their disorderly spirit. Nor could they be unmoved at the rescue of so many hundreds of their countrymen from an ignominious, and, as they well knew, in many cases an unjust death. This feeling, and their fears, won a triumph over their principles,

and by degrees the cries of "viva o infante," were lost in the more enthusiastic shouts of "viva el rey." Lisbon remained tranquil, at the expense of two or three lives, sacrificed by the soldiery, and the difficult enterprize of attempting to rescue the prince was abandoned; although one regiment of cavalry, inflamed with a more than quixotic spirit of chivalrous zeal, actually saddled to attack the Windsor Castle in the middle of the Tagus!

The fortunate issue of this affair was greatly accelerated by the return to their respective corps of many principal officers, arrested by the prince, who were conscious that their existence depended on the success of the king's party. They therefore exerted themselves to preserve order and to reconcile the troops to events which no efforts of theirs could remedy. The British ambassador, who now appeared to take the lead in every thing, so far allayed the fears of the king as to prevail on him to venture on shore. He landed on the 14th of May, and such was the extraordinary enthusiasm of the populace, that, on hearing

of the circumstance, they left the host, then passing in solemn procession, and ran to hail their sovereign, and, as they fondly hoped, their political saviour.

A commission was appointed to inquire into the recent and former criminal proceedings ; and the following proclamation, although not published until the ensuing year, may be here properly introduced, as shewing the general amnesty which the king deemed it prudent to grant, with the advice of his counsellors, after Subserra's final removal from the ministry. It will be perceived that a reference was made to the investigation concerning the Marquis of Loulé's murder ; and that such of these offences as remained unpunished were consigned to oblivion.

#### PROCLAMATION.

“The process having finished which was instituted on account of the unheard of and enormous attempts perpetrated on the unhappy epoch of the 30th of April and following days, of last year, and having now to pro-

nounce the subsequent decisions upon such extraordinary acts, my royal and paternal heart suffers the most painful conflict between those sentiments which inspire horror at such black crimes, and the compassion which resists a severity of justice proportionate to the excess of wickedness which miscarried on that calamitous day. Not, however, being able to separate in my mind the duties of a king from the affection and sensibility of a father towards all my vassals, and contemplating also with the most profound meditation the sad and weighty circumstances that intervened amid these extraordinary excesses, paying likewise equal attention to the rules of distributive justice without distinction of persons, and to the very important and powerful reasons which contribute to induce my royal mind to embrace in this conflict the counsels of my supreme and innate clemency; wishing moreover to leave to posterity an everlasting monument of the paternal sentiments which preside in my august deliberations, in allowing the love of a father to prevail in my soul over the infallibility of a king,

without entirely losing sight of what I owe to the security and tranquillity of my people, I am pleased to decree as follows :

“ I grant a general amnesty and pardon to all those who have been accused and have been made subject to any proceedings instituted on account of the above detestable crimes ; and I declare them free and safe from the penalties which they have incurred, and to which they ought to be condemned, according to the laws ; releasing all those who are in prison, and taking off all sequestrations, imposed on account of the said crimes.

“ From this general amnesty and pardon, I except only those individuals who were the most deeply implicated, by becoming the leaders and promoters of the associations for such abominable crimes ; these shall immediately quit my kingdom, not to return without my express licence, and they shall receive for this purpose the necessary passports. With this limitation, which my justice cannot dispense, these criminals shall enjoy the other favours before granted. The persons excepted are mentioned

in the annexed list, signed by the minister for ecclesiastical affairs and justice. I extend this pardon to the persons implicated in the dark crimes committed on the night of the 28th of February, in Salvaterra, and to those concerned in the actions perpetrated in this capital on the night of the 25th of October, last year, who shall also be set at liberty.

“ And to give all extension, compatible with the public security, to this pre-eminent favour of my kindness, I am farther pleased to comprehend in the said pardon the criminals implicated in the acts of revolt in the city of Coimbra, in the last and present years; but all the persons thus pardoned must return to their native place, and to their preceding abode, which must not be within ten leagues of this capital. Those who held any civil or military employment cannot resume their functions till they have first obtained my permission.

“ Lastly, desiring to remove from the sight of my subjects the pernicious monuments of crime and infamy which so much dishonour them, and which I am induced by most

weighty reasons to cover with an impenetrable veil, I order that all the documents relative to the above crimes, be collected in the office of the department for ecclesiastical affairs and justice, and there be so fastened up and sealed, that they can never more appear, nor extracts be taken from them."

His majesty then dissolves the criminal commission appointed on the 14th of August 1824; and expresses his conviction that all Portuguese will cordially imitate the example which he has given, and bury in oblivion all party hatred and dissensions.

The crimes of the 25th of October, adverted to in this document, existed probably but in the imagination of Subserra, who had caused some persons to be arrested on that night, alleging against them treasonable practices. The disturbances at Coimbra amounted to nothing more than a trifling commotion among the students of that university. I have anticipated the event of a subsequent year, in order to introduce this proclamation, and now return to that period when the king, leaving

Don Miguel in the safe-keeping of the ships, resumed his throne and dignity.

It was very natural for the nation to expect substantial benefit from some of the recent changes, and their concern for the infante was greatly softened by the happy consciousness that his exploit had at least succeeded in relieving them from Subserra's baneful presence in their councils. The leading part taken by the British ambassador in all that concerned the king's proceedings, strengthened their hope of an entire change of policy; and it will scarcely be credited that, acting as the king now did under the influence of that ambassador, whose opinions he would not have ventured to oppose, and whose remonstrances, if uttered with proper spirit, must have prevailed, the king was still allowed to re-establish his former ministry. He was not only permitted to recal to power those men whose mis-management had so deeply involved both him and his subjects in peril, but likewise to replace the traitor Subserra in the same conspicuous station that he before occupied! A man whose hatred

of every thing English was notorious, and unblushingly avowed, in whom it was impossible to confide under any treaty, and from whom no one measure of national advantage could ever be expected. It was said he promised to give a charter to the Portuguese nation. This may have been true; for, to a man of his character, a promise carries no farther obligation than his convenience may dictate; but can any person truly affirm that he placed the slightest reliance on such a declaration? Biassed, as Subserra was known to be in favour of France, and devoted to her service, although no longer appearing in her ranks against his country, he never would have acted in opposition to the wishes and principles of her rulers, on a question so important: and what these were the state of Spain furnished a pretty evident proof.

Had our minister not been too easily imposed upon, he would have insisted on sending this man out of the kingdom, and thus have opened a prospect of some favorable turn in the affairs of Portugal. But he was either deceived, or inconsistently scrupulous

on the occasion ; we had frequently declined to interfere in the internal concerns of our ally, and declared that such would be our constant rule. On the present emergency that resolve had been broken through, from motives of compassionate kindness to all parties ; and it was most distressing to find, that, after having gone so far beyond our professed principle, every advantage that might have been expected to result from it was neglected ; and that evils of such magnitude promised to ensue as threatened to compromise the credit of England in a serious manner. To allay the ferment that arose from the misconduct of the king's ministry, our naval force had been permitted to extend an aid, which, without striking a blow, had been more effectual than any army could have proved, in accomplishing his majesty's benevolent designs towards his suffering people. So far none but the most narrow-minded could express a censure ; but when the former culprits were recalled to contrive further mischief, and their infamous acts were, to all appearance, protected by a British squadron, the feelings of all classes

began to shew themselves most strongly excited, and ready to break forth into new commotions.

Whatever reasons might be assigned for the increase of our naval armament in the Tagus, its obvious effect was to encourage the mal-administration of the Portuguese government, who, as well as the people, perfectly knew that upon the least disturbance they could embark, and secure to themselves a safe retreat on board the British squadron. Thus were they emboldened in their shameless course, by being able to set at nought every effort on the part of the nation to rid itself of such rulers. The most unjust and oppressive measures were now openly carried on ; situations of some kinds were regularly and notoriously sold ; and those who wished to obtain favors knew perfectly well the channels through which an effectual application could be made. For there was no difficulty in tracing the price paid, in its progress through the various subordinate agents, until it was poured into the lap of the Countess of Subserra's bosom friend. It was idle to prefer any claim, on

the mere strength of its own merits, and the demands of justice: the most trifling boons were invariably refused, if the applicant could not support his request, either by the influence of the chief managers, or the weighty plea of a well-filled purse.

That to have rendered any service, whether commercial or otherwise, to the state or country, was not considered as affording a pretence for the most moderate appeal, I can furnish an instance in the case of two persons with whom I was well acquainted; and whose public spirit, as well as indefatigable industry, had they met suitable encouragement, would have entitled them to rank among the benefactors of this suffering country. One of these was endeavouring to establish a paper manufactory, which would have proved a real national advantage; and as he resided in the neighbourhood of the royal forests, he expected to obtain a permission which had never been refused to any person possessing the slightest degree of interest. For, as there was very little occasion to apply this wood to public use, leave to cut

it down to almost any extent had been always easily procured. A small quantity of timber being required for his buildings, the proprietor applied through the official channels: but these were now far from being the usual medium, since private influence had appropriated to the emolument of a few individuals even the most common rights of the subject, as well as the most unimportant boons in the gift of their rulers. At the expiration of a year no permission had been granted; and I am pretty confident that to this day it has been withheld.

The other person acted as director of the principal cotton factory in the kingdom; the machinery of which he brought to a degree of perfection almost rivalling similar establishments in England, and certainly not to be equalled elsewhere. By his uncommon talent for mechanism, and its diligent application to the service of his principals, he had in a short time nearly doubled the annual profits of the factory, without adding materially to its expenditure. He produced an excellent imitation of our implements for

carding the cotton, which are so eagerly sought for even in France, and which he succeeded in equalling. He likewise invented a simple machine, which, under the management of two persons, a man and a woman, dressed more raw cotton in two days than the labour of eight men formerly prepared by a week's beating ; and he made other invaluable additions to the establishment.

On the strength of these services, he applied for a grant of land, similar to that obtained by Sir E. Thornton, but not equal to one twentieth part of it either in extent or value. This, of course, was refused ; and as if the meanness and ingratitude of the state had infected every corner of the land where there was an opportunity of displaying those vices, he was told by the owner of the factory, on representing the important benefits which he had conferred on it, that he had his regular salary for his work, and could expect nothing more. Soon after he received the intimation that whereas this salary, amounting to about £250 a year, had hitherto been paid in specie, he must for the future be content to

receive half of it in paper, according to the law, of which his employer was resolved to avail himself; and thus was the hard-earned pittance of this meritorious individual diminished eight *per cent.* in recompense for effecting that which, in any other country, would have insured him an independent fortune and the applause of every class. For no part of the public could be ignorant of the important advantages which his ingenuity had conferred upon the nation.

Having adverted to the grant of land obtained by Sir E. Thornton, I must be permitted to remark, as a subject for regret, the custom of allowing ambassadors and official agents to accept gifts of value from those governments to which they are accredited. To an Englishman it never will appear possible that such presents should carry with them the slightest temptation to any unfair bias, among the wealthy, honourable, and distinguished class of his countrymen who generally occupy these responsible stations. But it must be remembered that nations are sometimes placed in a predicament similar to

that in which Portugal then stood, daily witnessing instances of that sordid and covetous spirit in the highest situations of trust, which would for a paltry bribe sell honour, veracity, justice, and the interests of a whole country. Applying, therefore, to all, the principles notoriously actuating the few placed under their own observation, the people will regard as douceurs any acknowledgments which a monarch's gratitude may prompt him to confer, and which an ambassador may most conscientiously accept, without admitting a thought of undue partiality towards the donor.

The title of count, in Portugal, was given by the king to the French and other envoys: Sir E. Thornton received the same compliment, and with it the more substantial benefit of a considerable estate in land. Unquestionably he merited this at the hand of John VI., for he had both taken a warm interest, and acted a very conspicuous part, in the recent events which so closely affected the monarch. But when it was found that, upon the removal of all previous checks on the royal inclination, and while the British ambassador openly

assumed the direction of the monarch, who looked solely to him for the privilege of safely exercising his prerogative, Subserra and his satellites were recalled to prey, as before, on the vitals of their country, the inference drawn, and the remarks made, were such as could not but be grating to the feelings of Englishmen, who continually heard them uttered.

The general knowledge that much personal hostility subsisted between the ambassador and his distinguished countryman lately in command of the Portuguese forces, would alone have rendered the situation of the former sufficiently delicate, in undertaking the management of the court. But the particular favour shewn to Sir E. Thornton, in voluntarily giving him what was cruelly denied to the just claims of deserving individuals, like those to whom I have alluded, afforded a pretext for a most unfounded calumny: the insinuation that our minister had allowed himself to be bribed into connivance at the designs of a man, whose deep enmity against England was no where questioned, and whose

bitter hatred of Lord Beresford should have put the ambassador more on his guard against the mortifying reflections naturally arising out of his coalition with such a person.

The increasing perplexity of affairs in Portugal, however, induced our government, shortly after, to recal Sir W. A'Court from his mission to Madrid, and appoint him to that of Lisbon. This proved to be a most judicious choice, for Sir William had given many indications of talent and judgment, well suited to the intricacies of diplomatic arrangements. He had acted as our representative in Naples, at the time when the constitution was there proclaimed; and he had passed through those trying scenes without in the slightest degree compromising his own character, or that of his country. Afterwards, at Madrid, he had evidenced the same delicacy and judicious prudence, combined with perfect decision of conduct; and now he was fixed upon to undertake a task, the difficulties of which had been accumulating for years, and required a masterly hand to unravel.

## CHAPTER IV.

1823—1824.

*Critical Aspect of Affairs in Portugal—Difficult Position of the new British Ambassador—He succeeds in obtaining the Removal of Subserra from Power—Subsequent Fortunes of that unworthy Favorite—Prospect of Amelioration in the State of Portugal—Generous Mediation of Englund between Portugal and Brazil—Arrival of Sir Charles Stuart at Lisbon—He receives full Powers from the King to treat with Brazil, and sails for the Rio—He effects a treaty of Reconciliation very favorable to Portugal—Death of the King—Character of John VI.—Regency appointed by his Will—Succession of his eldest son, Don Pedro, to the Crown of Portugal—His first Act is to grant to the Kingdom the Constitutional Charter which still subsists—Sir C. Stuart arrives in Lisbon, the Bearer of this Charter—Injustice of the Censures passed on that Minister for undertaking the Office—Excellence of the new Constitution—Don Pedro renounces the Portuguese Crown to his infant Daughter, Donna Maria II.—Project for the future Marriage of Don Miguel with the young Queen—Praiseworthy Self-denial of Don Pedro—Estimate of the state of public Feeling in Portugal towards the new Constitution.*

PERHAPS in the history of nations a spectacle so confused and embarrassing as that now exhibited by Portugal never was beheld by a diplomatic eye, whether we regard it with reference to its foreign connections or internal

situation. Brazil, so lately an humble colony, was now exalted into an independent empire, and most formidable foe to the mother country, to whose throne the Brazilian monarch claimed succession. That throne was occupied by a king nominally absolute, but entirely subjected to the control of an unprincipled ministry, and reigning over a people who appeared ready to break out into open revolt. And that people, among themselves, were ripe for a sanguinary contest as to the nature of the government which should succeed, if they effected the overthrow of the one at present established. England, after interfering between the king and the supposed treacherous designs of his son, had sanctioned the misconduct of a man whose enmity against her knew no bounds ; and by thus exciting the jealous resentment of the suffering people, had rendered it more difficult to maintain her ancient hold on the confidence of the Portuguese.

Our new ambassador could not but find his situation one of considerable perplexities ; but the greatest among them seemed to be

the necessity of retracing the path which his predecessor had trod, and of reversing the course of policy which he had adopted. I believe he soon experienced the impracticability of effecting any thing advantageous with the Portuguese ministry, constituted as it then was, under the despotic influence, and perfectly subordinate to the will, of Subserra. From this man nothing could be expected but a continuation of the system of deceit in which he had hitherto so deliberately persevered; and his unlimited power over his infatuated sovereign became daily more apparent. Indeed, to such an extent did it arrive, that many supposed the king's abject submission must proceed from some dread of personal injury from his worthless counsellor. This, however, I do not believe to have been the case; for, in reference to the efforts made to accomplish his removal, his majesty said, "How can I be so ungrateful to a man to whom I am indebted for my life, my crown, and all that I possess?"

An instance of this unjust and partial consideration of his unworthy favorite's feelings

occurred at Mafra, where there is a palace, the greater part of which consists of a convent of monks, among whom the king continually went to celebrate church festivals. His majesty seeing me there, enquired, with his usual affability, whether I had ever been at Mafra before: my answer was in the affirmative; and, I added, that my former visit was on the occasion of a fête given by the Duke of Wellington, whilst our armies had the honour of defending the lines against the enemies of his majesty's crown and kingdom, and at a time when I little anticipated the happiness of beholding that palace once more the peaceful abode of its lawful and royal master. This reply, natural as it was, seemed to perplex the king strangely: involuntarily casting a glance towards a door near us, which appeared partly open, he very abruptly changed the conversation to another topic. I had afterwards the curiosity to inquire who occupied the adjoining room during this interview, and ascertained that the Count of Subserra was there, listening to what passed in the royal apartment:—a fact of

which his majesty was evidently aware. He no doubt felt how peculiarly annoying my unintentional remark must have been to Subserra, not only from the circumstance of his having figured among the traitors who at that period served in the French army against us and their country, but because he might perhaps think it calculated to remind his majesty of his vast debt to England, the object of Subserra's deeply-rooted abhorrence, and indefatigable ill-offices.

Deficient as the king of Portugal was in those qualities which should command respect and inspire confidence, his character yet evinced throughout his life such prominent features of benevolent kindness, and willingness to undergo personal inconvenience for the gratification of others, that not to love him was impossible. It was under the influence of this prevailing characteristic, that he continued to give a weekly audience to all ranks and classes of his subjects, even when the heavy pressure of bodily infirmities seemed to demand a respite from such fatiguing exertion. No petition was

unheard: no prayer rejected. He would sometimes remain for thirteen hours, on the appointed day, listening to recitals of grievances, of which the greater part were secretly aimed against Subserra, the petty tyrant whose oppression was felt throughout the kingdom. But the firm establishment of the favorite in the affection of the king, and his power of dispensing all that was to be had, were too well known for any one to venture a direct charge against so potent an enemy: so that, in reference to one of these audiences, his majesty was heard to exclaim, "Why, they tell me my people are dissatisfied with my minister: I cannot believe it; for of more than seven hundred to whom I spoke yesterday, not one uttered a complaint against him."

These levees for some time gave the king a powerful hold on the affection of his people: the condescending kindness with which he received all persons, his patient attention to their requests, and his ready promises to do all in his power for them, sent each away, well satisfied that he had not preferred his

suit in vain, but had engaged the consideration of a truly paternal sovereign. These hopes, however, were generally found to be futile ; the evil influence of Subserra predominated ; and private as well as public wrongs continued unredressed. The gratifying reception began to be looked upon as a mere stratagem to secure popularity ; and all that the good king gained by his trouble, was an increased tendency on the part of the people to dissatisfaction and disrespect.

By the most strenuous and persevering efforts, our ambassador at length accomplished the augean task. Whatever might have been the threats resorted to in order to effect a change of ministry at the expence of Pamplona and his party, the Portuguese felt most truly grateful for it ; and the king, although reluctantly acceding, was still an important gainer by the measure. For it removed from him the pernicious counsels of a man, whose object it really appeared to render him unpopular and contemptible, as well as unmindful of the serious duties imposed on every monarch by his commanding

station. As it would not be decorous to doubt the royal veracity, we must of course believe his majesty's assertion, as it appeared in the decree which made known this joyful news, and in which it was expressly mentioned, that the Count Subserra was dismissed *at his own request*. How far this declaration is borne out by the whole tenor of Subserra's conduct, and his well-known character, the world must judge. Certainly, no man ever clung to power with more persevering tenacity, nor more readily sacrificed on the shrine of inordinate ambition all that honest men hold dear.

Not, however, to deprive Portugal altogether of his valuable services, this distinguished patriot was at first appointed ambassador to the English court; but here his assurance failed him: he dared not openly venture into a country against which his malignity was so well known, and at whose court his mal-administration and numberless political crimes had excited too much contempt and indignation to promise him a very flattering reception. Accordingly the scene

of his future diplomatic exploits, it was supposed would be shifted to France ; but in this quarter also, certain awkward recollections intervened to retard his approach to it. There were some, perhaps, about that court who could have spoken of the time when Senhor Pamplona, with very little to recommend him on the score of respectability, had made himself conspicuous by his ostentatious treason against his own sovereign and country, and by that profound devotion to the Buonapartean dynasty, which had led him to carry arms in the invasion of Portugal : a circumstance not promising him much encouragement in the palace of the Bourbon monarch. At length it was arranged that he should make an essay in Madrid ; nor, considering the degraded and contemptible state to which that court was reduced, had he so much cause to shrink from a trial of fortune there. But so little respect could he command even in Madrid, that they sought a quarrel with him upon an occasion, almost too ludicrously trifling to detail : as, however, it may be the last opportunity of his excel-

lency's appearance in this work, I will relate it.

At the period of time when nothing could be tolerated in Lisbon that did not refer to the popular form of government, our industrious and indefatigable artizans, ever careful to recommend the manufactures of England by adapting them to the prevailing taste of other countries, stamped almost every article intended for Portugal with the favorite motto, *Viva a constituição*. Among other things, they even marked the inner surface of the brass buttons sent from Birmingham with this inscription; but public feeling underwent a change, and *Viva a constituição* gave place to *Viva el rey*: the buttons of course then became unsaleable, and, indeed, treasonable. Previous to the departure of Count Subserra for the Spanish capital, he ordered a handsome livery, befitting the appearance which he desired to exhibit, for all his servants. The tailor not having any buttons sufficiently brilliant for the occasion, went to a vender of those articles, and was told that he could be supplied with some exactly suited to his

wish, but that they unfortunately bore the exploded motto. "That," said the tailor, "does not signify; the inscription is on the back of the buttons, and will not be seen: besides, the count is going immediately out of the kingdom." The bargain was concluded, the liveries were furnished, and his excellency most innocently conducted to the ultra-royalist court of a very legitimate king, some dozens of these revolutionary buttons.

It unfortunately happens that the words in question bear the same signification both in Portuguese and Spanish; and it still more disastrously fell out, that, by some chance, the reverse of one of these buttons came under the eye of a loyal Spaniard. The effect was electrical; for nothing less than a plot to re-revolutionize the whole Peninsula could be inferred from so alarming a discovery. Two of the poor fellows who wore the Count's livery were seized on by the troops about the palace, and nearly murdered: while a tremendous outcry was raised against the ambassador. "See," it was exclaimed, "this Portuguese fellow, not con-

tent with betraying his own country, and misleading his king, has come here with a desperate plan for the overthrow of this monarchy. His attendants are all free-masons : they bear concealed about them the atrocious watch-word of their conspiracies."

Annoyed at the clamour which assailed him—mortified by the looks of suspicion that clouded the Spanish court, and proved its readiness to entertain the accusation—and probably judging that there were many of all ranks in Lisbon who would delight in thus involving him, the count sent home one of the guilty coats, and commissioned a friend to bring the inventors and perpetrators of the scheme to condign punishment. But the poor tailor succeeded so well in exculpating himself from any evil intention, that he merely underwent three days confinement in prison ; while the button-seller, by proving that the other was previously acquainted with the objectionable character of his goods, entirely escaped. It caused, however, much laughter, at the Count Subserra's expence ; and was the means of shewing him on how

slight a foundation his credit stood, even with those of whose political principles he had so long avowed himself the ardent supporter. His removal from Lisbon was auspicious alike to the sovereign and the people ; and though it is said that his majesty expressed dissatisfaction at the insult which he considered the court of Spain as having cast on his representative, it was impossible that he should feel any lasting regret on being released from such thraldom.

Some reasonable prospect now appeared of the amelioration of long-standing evils, and the improvement of the country, which had sunk deeper and deeper into the abyss of poverty and despair. The queen's party, though severely checked, had continued their intrigues ; and the constitutionalists, pretty well recovered from their alarm consequent on the memorable proceedings of the 30th of April, were again beginning to indulge their favorite speculations. The army, never at a loss for causes of complaint, and some of them really founded in justice, were ripe for a change, and certainly most inclined for

such as would promote the interests of Don Miguel, whom they looked upon as a martyr to his honourable zeal against a worthless faction, and whose banishment they attributed to the machinations of that cabal. Irritated by the violent conduct of the Cortes, the young and promising empire of Brazil had closed her ports against the commerce of Portugal, whose shipping in the Tagus now dwindled away almost to nothing.

Tracing, as we have done, this unhappy country through a deepening sea of troubles, during a period of seventeen years, and beholding her miseries augment with every change that seemed to hold out a hope of their alleviation, we now find her arrived at that acme of national suffering, beyond which there is nothing but dissolution to expect. Abroad, bereft of her colonies, destitute of commerce, and unable to command credit; at home, divided into two powerful factions, who equally detested and despised the existing government as totally unfit to lead, and unable to oppose them, what expectation could she indulge of escap-

ing the stormy conflict, the deluge of blood that threatened to ensue from the heated and overcharged state of the political atmosphere? The crisis could not have passed over without some more memorable change than had yet been experienced; but at this juncture England stepped forward, and offered her invaluable aid to mediate between Portugal and Brazil.

From the disinterested magnanimity of England, Portugal had long known that she might expect much, without fear of finding those expectations deceived. On this occasion she eagerly hailed the hope which beamed forth upon her, when it was known that an English plenipotentiary was approaching to treat with her king on the subject, and to arrange such terms as might be most lastingly beneficial to the nation. Sir Charles Stuart left England soon after the removal of Subserra was announced there: he arrived in the Tagus on the 25th of March, 1825, and his appearance was considered as the dawn of a brighter day than Portugal had known for many years. The object of

his visit was well defined, and perfectly understood. A full recognition of the independence which the Brazilian empire had asserted, and would maintain, in despite of all the idle protests and impotent threats of the mother country, was the basis upon which alone a commercial treaty could rest; and without such a treaty, Portugal must shortly perish. For, while famine assailed her wretched population in a thousand forms, civil war would become inevitable, but by the application of a speedy remedy for the evils that devoured the land.

Doubtless it was most humiliating for a kingdom, once so commandingly situated, to sue in terms of conciliation for a renewal of intercourse with her once oppressed and despised colonists. But the relative position of the two hemispheres had been politically reversed, as concerned those countries; and while the vassals were in a condition to grant boons to their former lords, the son saw his father compelled to at least a virtual acknowledgment of dependence on his favourable disposition. John VI. reigned nominally as

an absolute king over a nation, who set at nought his authority and despised his person : where, for one in whom he could confide as a faithful defender of his throne, he might number hundreds prepared to wrest it from him, and then to turn against each other in fierce conflict over the form of government that should succeed his imbecile sway. His son Pedro had accepted an imperial title and crown, guarded in the most jealous manner from all appearance of despotic power ; yet he governed a united and attached people, and after a short but severe struggle found himself and his empire securely delivered from any attempt to reduce either again to subjection. And, lastly, he had the happiness of finding all his projects for the public weal crowned with a ready acquiescence on the part of his free subjects. The immense distance which separated the two countries, and the impoverished and divided state of Portugal, without a navy, and without an ally who would countenance so wild an enterprise, rendered the continued assumption of verbal command over a people whom she

could not reach perfectly ridiculous ; while the forcible exclusion of her trading vessels from the ports which were once her own, was no less mortifying than ruinous.

It was worthy of England to be foremost among European powers in recognizing the independence of a people who had quietly freed themselves from a most grievous yoke ; and who, instead of committing any hostile aggression against the heir of the house of Braganza (a prisoner in their power), had respectfully invited him to become their monarch, after his father had voluntarily deserted the seat of government. It was worthy too of England, to silence all the narrow-minded suggestions of selfish policy, and, disdaining to promote her own interests at the expence of her old and unfortunate ally, to tender such counsel, and proffer such assistance, as should materially benefit both parties ; conceding to the new empire that recognition which must exist in fact, though it might childishly be denied in words, and obtaining in return, by her own influence, the most important and lasting advantages to the

country whose cause she had so powerfully advocated with the sword, and now again upheld with the arm of her commercial superiority. One long series of generous open-hearted beneficence had characterized the conduct of our country towards Portugal ; our treasure and our blood had freely flowed in her behalf ; and the vessel that now bore our envoy towards the shores of Lisbon, came, as the British flag had ever come, the harbinger of consolation, and the parent of reviving hope.

When Sir Charles Stuart arrived, the king was at Mafra, chaunting with the monks ; and by remaining there for some time longer, he gave rise to apprehensions that he was lukewarm in the business. But for this apparent backwardness he afterwards atoned, by offering to Sir Charles Stuart such powers as he could not accept without more particular instructions from his own government. It cannot be supposed that the king was really indifferent, at a juncture when the fate of Portugal was about to be decided ; and Sir C. Stuart having, as it is believed, obtained permission from the British govern-

ment to act as the representative of his Portuguese majesty, to the utmost extent of his wishes, he was invested by the king with the fullest authority. He sailed for Brazil, accompanied by the prayers of all who were interested in the state of the kingdom, and who, in the success of his mission, anticipated the only amelioration that her sufferings were capable of receiving.

The terms which Sir C. Stuart obtained, were very favourable for Portugal, in a commercial point of view: they were such as might be expected from the disinterested motives that actuated England in her mediation; while the manner in which the succession to the throne was settled, prevented a more wretched scene from occurring in Portugal immediately on the king's death, than had ever before appalled that devoted country. With regard to this succession, it has been urged that, as the separation of Brazil from the mother-country took place during the life of the late king, whose heir had taken possession *de facto* of that crown, the natural right to succeed in Portugal was forfeited by the

deed of rebellion ; and that consequently, upon the king's demise, his second son became the rightful claimant of his European dominions. But they who thus argue appear to forget that, even admitting the emperor of Brazil to have forfeited his title to reign in Portugal, yet by the laws of that monarchy, from its first foundation, the right of his children to the succession would be in no wise affected. Their father, by his own act, might bar his own claim, but could not disinherit them. This principle, which certainly has its origin in justice, is fully recognized as an important part of the legal code in Portugal ; and while it continues in force, the younger branches of the late king's family could only advance a plea of hereditary right in default of such issue in the elder line.

I believe his majesty was desirous to prevent the crown from passing to his second son on his decease, which he appeared to be sensible was near at hand ; and considering into what excesses the infante had been led, when following up the sudden blow struck under his direction in 1824, it must be ac-

knowledged that the apprehension of his again dooming so many victims to destruction justified the king's anxiety. At least it was evident, that only by confirming the succession formally in the family of the emperor, Don Pedro, could Portugal have expected to accomplish the commercial treaty which was so happily concluded. By its advantageous terms, a heavy debt has already been paid off, which was calculated to embarrass seriously any new regent who might be appointed; and the Brazilian ports have been re-opened to the Portuguese produce and shipping, the continued exclusion of which must have entailed certain ruin on any government which could have been appointed in the kingdom. The following copy of the treaty between the emperor of Brazil and king of Portugal, will shew on what basis the agreements were made to rest.

#### TREATY, &c.

“ In the name of the Most Holy and Indivisible Trinity.

“ His most faithful majesty having con-

stantly in his royal mind the most lively desire to re-establish peace, friendship, and good harmony between sister nations, whom the most sacred ties ought to conciliate and unite in perpetual alliance, in order to accomplish these important ends, to conduce to general prosperity, and to secure the political existence and the future destinies of Portugal, as well as those of Brazil; and desiring at once to renounce every obstacle that might impede the said alliance, concord, and happiness of both states, by his diploma of the 13th of May of the current year recognizes Brazil to hold the name of an empire, independent of, and separate from, the kingdom of Portugal and Algarve, and acknowledges his best beloved and esteemed son, Don Pedro, as emperor, yielding and transferring, of his own free will, the sovereignty of the aforesaid empire to his aforesaid son and his legitimate successors, only taking and reserving for his own person the same title. And these august lords, accepting the mediation of his Britannic majesty to adjust all preliminary questions regarding the separa-

tion of the two states, have named plenipotentiaries : to wit, his imperial majesty names the most illustrious and most excellent **Luiz Joze de Carvalho e Mello**, of the council of state, dignitary of the imperial order of the Southern Cross, commander of the orders of Christ and of the Conception, and minister and secretary of state for foreign affairs ; also the most illustrious and most excellent baron **de Santo Amaro**, grandee of the empire, of the council of state, gentleman of the imperial chamber, dignitary of the imperial order of the Southern Cross, and commander of the orders of Christ, and of the Tower and Sword ; and also the most illustrious and most excellent **Francisco Villela Barboza**, of the council of state, grand cross of the imperial order of the Southern Cross, knight of the order of Christ, colonel of the imperial corps of engineers, minister and secretary of state for the naval department, and inspector general of the marine. His most faithful majesty names the right hon. his excellency **sir Charles Stuart**, privy counsellor of his Britannic Majesty, grand cross of the order of the Tower and Sword, and of the

Bath ; and full powers having been presented and exchanged, they have agreed, in conformity with the principle laid down in the preamble, that the present treaty should be framed.

“ Art. 1. His most faithful majesty recognizes Brazil to hold the rank of an empire, independent of, and separate from, the kingdoms of Portugal and Algarve, and acknowledges his best beloved and esteemed son, Don Pedro, as emperor, yielding and transferring, of his own free will, the sovereignty of the said empire to his said son, and his legitimate successor, his most faithful majesty only taking and reserving the same title for his own person.

“ 2. His imperial majesty, as an acknowledgement of respect and affection for his august father and lord, Don John VI., agrees that his most faithful majesty shall in his own person assume the title of emperor.

“ 3. His imperial majesty promises not to accept the proposals of any Portuguese colonies whatever, to unite themselves with Brazil.

“ 4. Henceforth there shall be peace and alliance, and the most perfect friendship, between the empire of Brazil, and the kingdoms of Portugal and Algarve, with complete oblivion of the past dissents between the respective nations.

“ 5. The subjects of both nations, Brazilians and Portuguese, shall be considered in the respective states as those of the most favoured and friendly nations, and their rights and property shall be religiously guarded and protected; it being understood that the owners of real estates shall be maintained in the peaceable possession of such estates.

“ 6. All property, whether real, personal, or moveable, sequestered or confiscated, and belonging to the subjects of the two sovereigns of Brazil and Portugal, shall be forthwith restored, together with their arrears, deducting the expences of the administration thereof: or their proprietors shall be indemnified according to the rules laid down in the eighth article.

“ 7. All ships and cargoes captured, belonging to the subjects of both sovereigns,

shall be in like manner restored, or their owners indemnified.

“ 8. A commission named by both governments, composed of an equal number of Brazilians and Portuguese, and established when the respective governments shall judge most expedient, shall be charged to examine the matters treated of in the 6th and 7th articles; it being understood that claims must be made in the space of one year from the formation of the commission; and in the case of a division of opinions, and equality of votes, they shall be decided by the representative of the sovereign mediator; both the governments shall point out the funds from which the first liquidated claims are to be paid.

“ 9. All public claims between the governments shall be reciprocally made and decided, either by the restitution of the article claimed, or by an indemnification for their full value. For adjusting these claims, both the high contracting parties shall agree to make a direct and especial convention.

“ 10. From henceforward the common civil relations of the Brazilian and Portuguese na-

tions shall be re-established, paying reciprocally on all merchandize 15 *per cent.* as duties on consumption provisionally, the duties on trans-shipment and re-exportation remaining in the same form as was practised previous to the separation.

“ 11. The reciprocal exchange of the notification of the present treaty shall be made in the city of Lisbon, within the space of five months, or less if possible, reckoning from the date of the signature of the present treaty. In testimony whereof, we, the undersigned plenipotentiaries of his imperial majesty, and of his most faithful majesty, by virtue of our respective full powers, sign this present treaty with our hands, and affix thereunto the seal of our arms.

“ Done in the city of Rio de Janeiro, on the 29th of August, 1825.

(Signed)

“ CHARLES STUART.

“ LUIZ JOZE DE CARVALHO E MELLO.

“ BARON DE SANTO AMARO.

“ FRANCISCO VILLELA BARBOZA.

“ Published at Rio de Janeiro, Sept. 7.”

The following additional convention was afterwards agreed to by the contracting parties.

“ It having been established by the 9th article of the treaty of peace and alliance between Portugal and Brazil, signed this day, that the public claims between the governments shall be reciprocally received and decided either by the restitution of the article claimed, or by an indemnification for their full value, and agreeing that for the adjustment of these claims both the high contracting parties shall make a direct and especial convention; and considering since that the best method of terminating this question will be now to fix and settle a certain sum, doing away with the right of both governments to make reciprocal and ulterior claims, the undersigned sir C. Stuart, &c. plenipotentiary of his most faithful majesty the king of Portugal, and the most illustrious and most excellent Luiz Joze de Carvalho e Mello, &c., the most illustrious and most excellent baron de Santo Amaro, &c., and the most illustrious

and most excellent Francisco Villela Barboza, &c., plenipotentiaries of his majesty the emperor of Brazil, through the mediation of his Britannic Majesty, have agreed, in virtue of their respective full powers, to the following articles.

“ Art. 1. His imperial majesty agrees, at sight of the claims presented from government to government, to give to that of Portugal the sum of two millions of pounds sterling ; this sum annulling every other claim, and also all right of indemnifications of this nature.

“ 2. For the payment of this sum, his imperial majesty takes upon the treasury of Brazil the loan which Portugal contracted in London in the month of October, 1823, paying the remainder to make up the said two millions sterling in the space of one year, in quarterly payments, after the ratification and publication of the present convention.

“ 3. From the rule established by the first article of this convention, are excepted the reciprocal claims for transport of troops, and expences incurred with the said troops. For

the liquidation of these claims there will be a mixed commission, formed and regulated in the same manner as that established by the 8th article of the treaty above mentioned.

“4. The present convention shall be ratified, and mutual exchange of ratifications made, in the city of Lisbon, within the space of five months, or sooner if possible.

“In witness whereof, we, the undersigned plenipotentiaries of his majesty the king of Portugal and Algarve, and his majesty the emperor of Brazil, in virtue of our respective full powers, sign the present convention and affix our seals.

“Done at Rio de Janeiro, on the 29th of August, 1825.”

(Signed as before.)

It will be remarked that Don Pedro conceded to his father the privilege of also bearing the title of emperor of Brazil; a mere nominal distinction, but well calculated to soothe the feelings of the poor old king, who was thus permitted to retain a shadow while irrevocably relinquishing all claim to the sub-

stance. His enjoyment of this honour was very short, for he only assumed it about four months previous to his death.

On the 10th of March, 1826, king John closed together a life and a reign, of which it would be difficult to say what enjoyment he could have derived from either. In his person, and in his kingdom, he appeared marked for calamities, as various as they were heavy. Had he possessed discrimination of character to select wise and faithful counsellors, such were the pliancy and humility of his disposition, that even while invested with the most absolute power he would have been the father and the benefactor of his subjects. He erred in this important point, and Portugal yet groans under the effects of his error.

John VI., king of Portugal and emperor of Brazil, was born May 13th, 1767. In the year 1792 he first assumed the reins of government, acting as regent in the name of the queen his mother, who was afflicted with mental derangement. At her death, in 1817, he succeeded her on the throne, and was

crowned at Rio de Janeiro, then the seat of government. Much as the Portuguese nation had suffered during his short but eventful reign, and many as were the complaints, not ill-founded, of mis-management and mal-administration under his authority, his death had been anticipated with sentiments of deep alarm. The general apprehension among all ranks had been, that immediately on its occurrence a frightful explosion of party feeling would ensue; and that a fierce conflict between two formidable factions, each grasping at power, would deluge the whole land with the blood of its inhabitants. No person entertained more lively fears of such a catastrophe than the king himself; and how to avert this scourge from his people had formed the chief study of his closing days. A very short time previous to his decease, he had caused the following declaration of his wishes respecting the administration of affairs to be drawn up.

“ Department of the Minister of the Interior.

“ His majesty the emperor and king, our

sovereign, unwearied in his paternal cares for the government of his beloved people, and in order to remove every thing which might affect their tranquillity and security, attending to these important cares, even in the midst of the pains and sufferings wherewith Divine Providence is pleased to afflict him, in the illness under which he is now labouring, has been pleased to issue the following decree.

“ It being advisable to provide for the government of these kingdoms and dominions during the illness under which I am now suffering — that the suspension of affairs, even though short, may not cause them to accumulate, so that it will be afterwards more difficult to dispatch them—I am pleased to charge with the government, the infanta Donna Isabella Maria, my beloved daughter, together with the counsellors of state, the cardinal patriarch elect, duke of Cadaval, marquis Vallada, conde dos Arcos, and the counsellor, minister, and secretary of state, in each of the respective departments of the secretaries of state. All matters are to be

decided by the majority of the votes, that of the infanta being always decisive in case of equality; all of whom will, I hope, administer justice to my faithful subjects, and will act in all things with the prudence that I desire; and this my imperial and royal determination shall serve also in case that God should be pleased to call me to his glory, till the legitimate heir and successor to this crown shall have given his orders in this respect. And that this my imperial and royal determination may be carried into effect, I order," &c. &c. &c.

In this last official act of the king it has been remarked, that "the legitimate heir and successor to this crown" of Portugal, is not mentioned by name, nor pointed out by any particular indication; but this, so far from arguing any thing of indecision on that subject, appears well calculated to prove that his majesty entertained no thought of altering the natural and usual order of inheritance, by which the eldest son is expected to occupy his father's place.

The king's death, and the succession of

her favorite Pedro to the throne, again revived the sanguine hopes of the queen and her party; but their short-lived exultation received a fatal blow when sir Charles Stuart, in the British frigate Phaeton, once more entered the mouth of the Tagus, the bearer of a constitutional charter, granted to Portugal by the emperor Don Pedro; as undoubted inheritor of the dominions claimed by the house of Braganza in the old world.

In charging himself with the delivery of this valuable instrument of Portuguese freedom, sir Charles Stuart appeared a second time in the kingdom as its deliverer. But this voluntary act of beneficence was hazarded at some cost to himself; and it seems to have exposed him to very unmerited censure. On the objections which have been taken to the propriety of his having made himself the bearer of this charter, I cannot, in this place, refrain from offering a few observations. It is allowed that sir Charles received full powers to negociate for Portugal, as the confidential agent of her government, sanctioned in that capacity by his own.

Now, if sir Charles found that he could succeed in gaining from Don Pedro, recognized as her future sovereign, a more inestimable advantage than she dared to hope, and one of which successive generations might reap the increasing fruits, is there any Englishman so devoid of English benevolence and English spirit, as to wish that his countryman had confined himself within the letter of his actual instructions, (supposing them so circumscribed as to admit none but commercial regulations,) and had coldly rejected the opportunity of conferring an incalculable benefit upon this hitherto unfortunate country?

I hope there are few of those narrow-minded calculators among Britons; and sir Charles, in refusing to rest satisfied with a few commercial concessions, where he saw a facility for securing to Portugal a much more important boon, cannot fail to have won, as he has deserved, the applause of all who love freedom, and venerate justice. Vanity, and an inclination to court popularity among the Brazilians, may have been

the inducement of the emperor Don Pedro to offer Portugal a constitution; and if it be admitted that sir Charles Stuart did right in availing himself of this occasion to obtain the grant of a charter so valuable to our ancient ally, surely it is peurile to censure him for being personally the bearer of it. This able negociator had done much to attain the object of his benevolent wishes; and who would deny him the recompense that he reaped, when, nearing the coast of Portugal, he could look upon his precious gift, and rejoice that he was bringing a most unexpected and efficacious balsam for the wounds that excited the compassion of his country, and wrought on it to send him forth on an embassy of mercy.

It was on the 29th of April, 1826, that Don Pedro granted the existing constitutional charter. Formed as that instrument is on the best models that limited monarchies can furnish, and peculiarly adapted to meet the ills under which Portugal has suffered so cruelly, it ought to be a bond of union among all parties, and to attach them, by a general

feeling of gratitude, to those through whom this boon was conferred. It will be seen that the situation of the emperor, at the period of his father's death, must have been one of no inconsiderable embarrassment. For, while already in quiet possession of the Brazilian throne, he became likewise sovereign of Portugal ; and the very basis of the treaty so recently concluded, was a separation between those two countries, of so complete a nature as seemed to render it impossible for one monarch to unite them under his sway. Pronounced by the concurrent voices of the general law of nations, and by his father's express sanction, the indisputable successor to the throne of his ancestors ; while, by the election of a free people, he likewise held that of the newly-formed empire, it remained for him to relinquish, at his option, the one or the other. I have already remarked that he had no power to bar the hereditary rights of his children ; and he appears to have paid as equitable an attention to their prospective interests as the case allowed, in retaining for himself and his son the trans-atlantic sove-

reignty, while he abdicated the European throne in favour of his infant daughter. Following as closely as he could the path marked out by his late father, he confirmed the regency as settled by him; and he no doubt thought he was cementing, in the surest manner, the long-contending parties in Portugal, when, in order to admit his brother Don Miguel to a participation in the sovereignty of the kingdom—to which that young prince had, perhaps, in justice, strong claims, though not in right—he promised him the lawful heiress in marriage.

It is difficult to assign any reasonable ground for censure in this arrangement: unless, as some fear, it may prove to have been the emperor's intention to exclude Don Miguel from the regency until the consummation of his marriage. On the 30th of April, 1826, the following decree was issued at Rio de Janeiro, with reference to Portugal.

“The meeting of the general Cortes being necessary, I think it proper to order that the election of the deputies may be proceeded with, in conformity with chapter 5, title 4,

of the constitutional charter which I have decreed, and to which I have ordered the oaths to be taken in the said kingdom, leaving it to the regency for this purpose to give the necessary instruction. The said regency will thus understand it, and cause it to be executed." Signed by the emperor, as king of Portugal.

Then follows a decree for the creation of peers of the kingdom: viz. two dukes, twenty-six marquises, forty-two counts, two viscounts, one cardinal patriarch, four archbishops, fourteen bishops. Two other decrees were also promulgated: one naming the duke de Cadaval president of the chamber of peers; and the other nominating the cardinal patriarch vice-president. To all these was added another decree, in which his imperial majesty states, that, wishing to promote and consolidate the prosperity of Portugal and Algarve, he authorizes the regency to cause the convocation and installation of the general Cortes, without waiting for the period fixed by title 4th, chapter 1st, article 18th of the constitutional charter which he has

decreed and given, and to which he desires the oath of adhesion may be taken in the said kingdom.

Energy, promptitude, and decision, are eminently apparent in the measures adopted by this young monarch for the dispatch of important business, while preparing to effect at the same time his own plan of a complete renunciation of that throne, which had been so long held by his ancestors. His resolution to this effect was communicated to the Brazilian empire, on the opening of their national assembly, on the 6th of May, 1826, in a speech by the emperor, of which the following is an extract.

“The independency of Brazil was recognized by my august father, Don John VI., on the 15th of November, last year; and subsequently by Austria, Sweden, and France: having long before been acknowledged by the United States of America.

“On the 24th of April, the anniversary of the embarkation of my father, Don John VI., for Portugal, I received the unhappy and unexpected tidings of his death: severe

grief filled my heart; but the course which I had to follow, on finding myself, when I least expected it, legitimate king of Portugal and Algarve, and their dependencies, suddenly presented itself to me. Now grief, now duty, occupied my mind; but I considered the interest of Brazil, and remembered my word: I resolved to maintain my honour: and I reflected that I ought to make Portugal happy, and that not to do so would be disgraceful. I was plunged in the heaviest affliction, while seeking means to insure the happiness of Portugal without injuring Brazil; and so to separate them that they should never again be united.

“I confirmed to Portugal the regency appointed by my father; I gave a constitution; I abdicated, and ceded all my indisputable rights over the crown of Portugal, and the sovereignty of that kingdom, to my beloved daughter, Donna Maria de Gloria, now queen of Portugal, under the title of Donna Maria II. Brazilians, hitherto incredulous, may now know, (as they ought to have known before,) that the interest of

Brazil, and the love of its independence, possess such weight with me, that I have abdicated the crown of the Portuguese monarchy, which was mine by indisputable right, merely because hereafter something might arise to prejudice the interests of Brazil, of which I am the perpetual defender."

That the emperor was really, in a great measure, influenced by the motives which he assigns, it is but fair to admit, so far as a judgment can be formed at this distance; and reflection may tend to give additional weight to his assertions. I have endeavoured to do justice to the infante's natural character, and to the impulse which actuated him in the early stages of his proceedings; but it cannot be disputed that he was very much under the dominion of a party to whom the new charter would be an object of indignant rejection. For it was calculated to curb their powers of oppression; and it invested with a degree of respectable independence, the vast numbers whom they had hitherto regarded it as their privilege to spoil and to

trample upon. That the late king considered a charter necessary to the welfare of the people, and believed it to be the object of their wishes, is clearly evident from the general purport of his proclamations. That issued from Villa Franca on the 31st of May, 1823, is particularly strong and explicit upon the subject; and after the suppression of Don Miguel's attempt in 1824, another was published, in which his majesty directed a speedy restoration of the ancient Portuguese constitution: promising that an assembly of the Cortes should shortly be summoned.

That his designs were not carried into effect, must be attributed solely to the overpowering influence of Subserra, with whom the French ambassador united his efforts to prevent it. Yet, on a recent occasion, this very minister, Hyde de Neuville, was prattling in the chamber of deputies in France, to prove that the non-performance of the promise then given might be attributed to English interference. It is, on the contrary, most certain that our ambassador, sir E. Thornton, ultimately did all in his power to

promote the grant of a charter, but failed ; and perhaps on his success depended his remaining in Lisbon as minister. It is also certain that, in opposing it, the French envoy did no more than fulfil his duty to his own country : for he was perfectly well aware that such an act would be followed up by a declaration of opinions, relative to the interference of a foreign power in Spain, that might place France in a situation of which she is already beginning to feel the unpleasantness.

I have been induced to make these remarks, because I know that in England a very erroneous view is taken of the whole subject : it is here supposed that a great majority of the Portuguese nation is decidedly hostile to the present charter, or to any moderate form of government, that checks, without rendering nugatory, the royal prerogatives. The fact is, certainly, that the number of those who would from choice adopt a reasonable and sensible constitution, like that given by Don Pedro, is not so great as the numbers of the two other parties com-

bined, into which the country is generally divided. Of these factions, one, which has diminished to a small body, still cleaves to the old despotic form of government, and would prefer a king perfectly absolute, with an ascendant priesthood, and all the dark bigotry of former ages: the other desires only a return of anarchy, and of all the licentiousness which, under the prostituted name of liberty, was practised during the reign of the Cortes of 1820. But these two parties, violently as they are opposed to each other, would sooner meet on neutral ground, than that either should behold the other triumphant; and the old constitutionalists, seeing the impracticability of restoring their favorite system of jacobinism, and feeling that any thing short of despotism is desirable, are tolerably ready to coalesce with the few sensible men who see the superiority of the present charter.

We may add to this number, among the favorers of the new constitution, some who are generally looked upon as necessarily attached to unlimited monarchy, the heads of

the church, the peers, their numerous retainers, with many others of less importance in the public eye. It will even be found that men are ready to yield the prejudices of education, and pre-conceived opinions, when they are fully convinced that their own individual interests must be materially promoted by departing from them; and such abandonment of ancient political dogmas we may anticipate in the present case. From the provisions of this charter, all these classes are likely to derive benefit, although perhaps not exactly in the mode by which some would have chosen for themselves. The clergy, no longer forming a separate chamber, will nevertheless command a great and permanent degree of interest, by means of their principal heads, who, like our bishops, enjoy the privilege of sitting in the upper chamber, and voting among the peers, with whom their superiority of education, as well as the deference paid to their spiritual authority, will always give them great weight.

The nobility, on their part, will find that pre-eminence in their country's counsels as-

signed to them as their birthright, which only the most intriguing and undeserving among them could before acquire by court favour. Upon the discovery that their children, on succeeding to this honourable station, will be distinguished and respected according to their abilities, they will be stimulated to new efforts in the work of education ; this example will doubtless be followed by the country gentlemen, who will covet for their sons the honour of shining in the national senate ; and by degrees other classes will enter into this spirit of honest emulation, until Portugal shall be rescued from the ignorance and barbarism that now disgrace her.

But there are some whose interests forbid them to contemplate such a prospect without alarm ; and others who deem it fraught with peril to the people. A general opinion seems to prevail in England, that all, or by far the greater number, among the Roman Catholic priesthood, are crafty, designing, and hypocritical, making a merchandise of the people's souls by assuming a character, of the fallacy of which they are themselves perfectly con-

scious. This, I can positively assert, is not the case. It is true that such description may apply, almost without exception, to the better educated and more learned of that body ; they certainly despise the dupes whom they make, and laugh at the system of deception by which their power is maintained and supported. Living, too generally, in the practice of every thing that the precepts of christianity condemn, it is impossible that their religion should be sincere ; nor can they look otherwise than with feelings of ridicule upon those observances which they teach their flocks to regard as necessary to salvation, and sufficient for it, but which they know to be the fruit of their own fraudulent devices. I could enumerate many instances of the most extravagant absurdities being, within my own personal observation, effected, as if by miracle, and, by the actors in them converted into a very profitable speculation ; both as regarded the increase of their authority and of their revenues.

But still I must maintain that this character is far from admitting an universal ap-

plication. There are numbers of Roman Catholic clergy, who themselves firmly believe all they teach, with the same faith as they require from their flocks. These are men of no education whatever, taken from among the very lowest orders of poor tradesmen and petty farmers; acquainted with just so much Latin as enables them to pronounce the words contained in their breviaries, and devoutly crediting the most preposterous legends and unmeaning miracles, on which they are bound to descant before the people. Some humble mechanic or countryman may have rendered a service to his priest, or otherwise engaged his good will, and he in return will perhaps select one from the poor man's numerous family, and say, "send him to me, I will teach him his breviary." This is easily done; the lad then finds no difficulty in getting admitted into orders; and from the stall of a cobbler, or from the tail of a plough, he is at once elevated to officiate at the altar, which he has been taught from infancy to reverence, and to declaim from the pulpit, whence he is assured that nothing but the truth can be

taught ; convinced of his church's infallibility, he gives implicit faith to all which she asserts ; and he supposes himself endowed with miraculous powers, in virtue of the garb he wears. His untaught mind cannot penetrate the artifices by which the sway of his church is upheld ; she denies him all access to the Bible, in the only language he understands, and he is therefore shut out from discovering how far she is removed from the purity of her original faith.

Thus, while the learned and wily among the superior clergy dread all interference that would bring into action the reasoning faculties of their deluded subjects, and enable them to judge for themselves, to the great peril of their teachers' supremacy ; the simple ignorant monk, and the unlearned parish priest, regard with horror that impending torrent of heresy and schism, which, as they are told, will rush in simultaneously with the tide of political innovation, to overwhelm their flocks, and endanger their souls, by subverting the authority of their infallible church. Nor can it be supposed that, upon

grosser principles of self-interest, they are insensible to the dread of seeing all those worldly advantages diminished, which they so amply possess. I have known men of this class, respecting whom it might almost be said that, with them, bigotry was a virtue, and persecution a principle; and however we may lament the existence of such error, and compassionate those whom it misleads, we must not confound, in a general censure, the contrivers and abettors of a deceptive system with those who, receiving it as the truth, labour conscientiously for its diffusion and support. Still, for the various reasons I have mentioned, the Roman Catholic priesthood, as such, are, and must be, hostile to any political system which holds out the only certain promise of permanent advantage to the nation; and we have already seen, in the overthrow of the first Cortes, how extensively they can influence the public mind.

## CHAPTER V.

1826.

*Wisdom of the Plan devised by the Emperor Don Pedro, for the Settlement of the Portuguese Crown—The whole Arrangement sufficiently favorable to the Infante Don Miguel—Ready Submission of that Prince to its Provisions—Correspondence between him and the Infanta Regent—He explicitly disclaims all Participation in the Designs of the absolute Faction—Apparent Sincerity of his Protestations—The public Tranquillity still endangered, by the turbulent Ambition of the Marquis of Chaves and the absolute Faction; by the Discontents of the Army; and by the secret Hostility of the Spanish Government—Insidious Practices of the Faction upon the popular Credulity—Disaffection of the lower Clergy to the Charter—Ceremony of swearing to the New Constitution—Several Regiments refuse the Oaths, declare against the Regency, and desert into Spain—Insurrection under the Marquises of Chaves and Abrantes, who proclaim Don Miguel King—Vigorous Precautions of the Regency—Marines landed from the British Fleet to guard the Person of the Infanta Regent—Operations of the Insurgents—Their Repulse and Retreat into Spain—Concentration of their Force on the Frontiers—Support evidently rendered to them by the Court of Madrid, and falsely disavowed by Ferdinand VII.*

THE arrangements conducted by the emperor Don Pedro, for the settlement of the Portuguese crown, appear to have been adopted upon much deliberation, and with an earnest

solicitude to provide against every contingency that could be foreseen. His own abdication in favour of his daughter, was accompanied with the condition that the young princess should not quit Brazil until the constitution was sworn to, *and the marriage concluded* with her uncle, Don Miguel. It was thus, apparently, the emperor's intention that the infante should go to Brazil, and that, there awaiting the period at which the princess would be of age to marry him, he might enjoy ample opportunity to study the nature, and consider the advantages, of a constitutional monarchy.

The cordial affection which has ever subsisted between the two brothers, likewise encouraged an expectation that the prince would profit materially by the example of Don Pedro. For the emperor has really proved himself worthy of imitation, by a happy union of independent spirit with mildness and lenity; as well as by the broad and liberal principles on which he has conducted his policy. While her future monarch should be thus acquiring a true kingly education, Por-

tugal might make equal advances in national improvement, under the protection of our arms, and the influence of our councils, if both should be employed with sufficient decision; the ferment of party feeling in the kingdom would gradually subside, and the expended violence of faction would settle into a composure not easily to be disturbed.

But, in supposing such to be the purpose of the emperor, a difficulty occurs which is not easily obviated. By the law of succession, recognized in the monarchy, Don Miguel is excluded from the crown: while, by the provisions of the charter, he is entitled to claim the regency in October, 1827, the period of his completing the age of twenty-five years. By the 92d article of the charter, it is expressly ordained, that, during the king's minority, the regency shall be held by his nearest relative, according to the order of succession, who shall have attained the age of twenty-five years. That Don Miguel will, in October next, be entitled, on this ground, to demand the regency, cannot be denied; nor is it easy to reconcile any

proceeding tending to restrain him from the exercise of that office, with the general tenor of Don Pedro's acts and professions. Neither can the admitted expediency of such a plan be fairly allowed to abrogate a recognized right, which the prince holds under the charter.

Although, on the queen's coming of age, the infante can be but a titular king, yet he will find, in that character, abundant power and occasion for the employment of all the active spirit which he pre-eminently possesses. At the same time, by due regard and kind attentions to his young wife, he may reckon on ensuring her willing concurrence in all his wishes, so long as they do not aim at overstepping the bounds prescribed by the charter. The constitution has left a very considerable share of power and influence in the sovereign's hands; and he may expect that she will also become subservient to the suggestions of his more manly mind, in naturally looking to his riper age and better experience for the guidance so necessary to a youthful female of her exalted station. Such, at least, are doubtless the an-

ticipations of her father; and should they be realized, Portugal may hope for happier days, and a more lofty place |among the nations, than she can otherwise have any prospect of attaining.

It has indeed seemed for a time as if a part of the Portuguese people were resolved to persist in a struggle for slavery and wretchedness, against the hands that would enfranchise and aggrandise their country. But although Don Miguel was nominally placed at the head of the turbulent faction, who used his imaginary rights as the watch-word of their cause, it is difficult to discover, in any act or declaration of his, a sanction for such proceedings, even distantly implied. Indeed, the reverse is evidently the case, if we can attach credit to reiterated professions. For we find the infante, in a letter to his sister, the princess regent, dated April 6th, 1826, declaring his perfect readiness to submit in all things to the will of the late king. He disclaims pointedly the most remote intention of authorizing or countenancing, either directly or indirectly, any machination against

the tranquillity of the state ; and he calls on his august sister, in the event of any individuals attempting to create disturbance, under the pretended sanction of his name, to make use of his letter for the purpose of denying, on his part, any thing approaching to participation in their councils, or approbation of their measures. The princess, in her reply, makes use of the following expressions. "I have ordered your letter, of the 6th of April, to be published immediately, that the whole nation may know that my dear brother is a good son and a good subject, and that by retaining and putting in practice the sentiments which he expresses in his letter, he will one day be a good father, and perhaps a good sovereign.

" My brother knows me perfectly, and that I have no desire to reign ; meantime I cannot do otherwise than remain at the head of the government, according to the last will of our august father, till the legitimate successor to the throne, our beloved brother the emperor of Brazil, shall give his orders and declare his will."

Another letter from Don Miguel, dated the 14th of June following, at Vienna, and written before the prince had heard of the constitution granted by his brother, yet more strongly marks a feeling not merely of acquiescence, but of cordial and grateful concurrence in the suggestions of the infanta regent, as the following extract may prove. "The sweetest reward of the sentiments with which I am animated, and which I communicated to you in my letter of the 6th of April, is, undoubtedly, the approbation which you bestow on them; and I esteem myself very happy if the sincere and authentic manifestation of those sentiments has contributed to the preservation of good order and tranquillity in Portugal; which were the chief objects I had in view in writing my letter of the 6th of April. I thank you, my dear sister, for your determination to have it printed without delay; for what I desire above all things is to shew to the nation that the qualities on which I most pride myself, are those of an obedient son, a faithful subject, and a good Portuguese.

“ As for your private sentiments, nobody can appreciate them better than myself; and knowing you to be exempt from all ambition, I conceive what violence you must have done your own inclinations in accepting the heavy burden which the last care of our august king has imposed on you, till the legitimate heir of the kingdom, to whom we all owe submission, shall have declared his will.”

The letter concludes by requesting the infanta to undertake the charge of Don Miguel’s private household, and to proceed to the division of the private property which had devolved to them by the king’s death; to which effect, he says, he has sent her the necessary powers of attorney. By those who would sanction their seditious proceedings with the infante’s name, all this is, of course, represented as a mere political manœuvre, to mask designs that were not yet sufficiently ripe for avowal. If such be the case, the letter must be acknowledged a master-piece in its way; for a more simple or natural air could scarcely pervade any composition than that which seems to prevail throughout the

document in question, the authenticity of which is indisputable.

The prince applies to himself the epithets of a dutiful son, and a faithful subject, as those of which he most covets to be found deserving ; he speaks of “ the legitimate heir of the kingdom, to whom we all owe submission,” and he gratefully acknowledges the kindness of his sister in making arrangements in his household, requesting her continued superintendence, and placing in her hands the necessary powers to act for him in the division of their father’s property. In the history of nations we continually encounter instances of royal duplicity ; such finesse, where a crown is the stake, seems to be regarded as perfectly allowable, although it should be attended with a degree of moral turpitude that would stamp the character of any private individual with well-merited infamy. But it is difficult to imagine a man of common honesty, in any station, gratuitously sitting down to compose such a tissue of hypocritical falsehood, as, in that view, the above letter must be confessed to have

been, or even affixing to it his signature if it were the composition of a head more practised in the arts of dissimulation.

The infante's communication, containing so much promise of future tranquillity to the unhappy kingdom, was published in the Lisbon gazette, with a commendatory introduction from the infanta regent. But that she had still many fears, on the ground of improper influence which might be exercised to change the apparently correct tenor of her brother's sentiments and conduct, may be gathered from her reply to his letter of the 14th of June. After noticing the beneficial effect produced by the publication of that dated the 6th of April, she states it to be her principal object to destroy intrigue, to unite the royal family, and to turn its affections more strongly every day to the nation. Then, expressing her confidence that God will confound imposture, impiety, and crime, and that Portugal is about to return to its ancient ages of glory, the princess repeats her solicitude to put in vigorous execution the wise determinations of their brother and legitimate king,

Don Pedro IV. "Determinations," she continues, "which have merited the applause, and general approbation of the kingdom, and have been displeasing to those only who calculated upon the continuance of the inveterate abuses which pressed upon unhappy Portugal, and afflicted the paternal heart of our august and lamented father, without his ever being able to summon resolution for cutting off and destroying them.

"Perhaps, my dear brother, some one has written to you in a different sense from that in which I now address you; I beseech you not to lend credit in this respect to any thing but what I write to you, and which you will find to be the truth. And that, so far from giving faith to those who live only by confusion, who desire discord, and who breathe nothing but vengeance, discord and blood, my brother will agree to plant and support among us the institutions which emanate from the throne; institutions for which the nation sighs, institutions, such as can alone recover us from the abyss into which we have been plunged, by the fatal surrender of our an-

cient constitutional laws, and of our laudable uses and customs. This the honour of my beloved brother imperiously demands ; his good name, his glory, as well as his interests, are involved in it."

Many expressions of cordial sisterly affection, and a sincere desire to serve her brother, conclude this letter from the infanta, who, under the same date, July 12th, issued the following proclamation.

"Portuguese ! The regency of the kingdom is about to relieve you from anxiety, and to fix your attention upon decrees that interest you generally, and which his most faithful majesty Don Pedro IV. has deigned to issue from his court at Rio de Janeiro. With these decrees will be also published the constitutional charter of the Portuguese monarchy, which the same sovereign has deigned to decree, and which, according to his intentions, must be sworn to by the three orders of the state, to the intent that it may govern the kingdom of Portugal and its dependencies.

"In the mean time, the regency informs

you, that this charter differs essentially from the constitution produced by infatuation, in 1822, and which contained principles incompatible with each other, and condemned by experience. The character of the constitutional charter, which his most faithful majesty gives you, is totally different; it is not a forced concession, it is a voluntary and spontaneous gift of the legitimate power of his majesty, matured by his profound and royal wisdom. The tendency of this charter is to put to rest the contest between two extreme principles which have agitated the universe; it summons all Portuguese to reconciliation by the same means which have served to reconcile other people; by it are maintained, in all their vigour the religion of our fathers, the principles of moral government, and the right and sovereignty of the monarchy. All the orders of the state are respected, and all are alike interested in uniting their efforts to surround and strengthen the throne, to contribute to the common good, and to secure the preservation and amelioration of the country to which they owe their existence, and of the

society of which they form a part. The ancient institutions are adapted and accommodated to our age, as far as the lapse of seven centuries will permit ; and, finally, this charter has prototypes among other nations, who are esteemed among the most civilized and the most happy.

“ It is our duty to await tranquilly the execution of the charter, and of the preparatory acts which it prescribes. If any among you should, by words or actions, aggravate resentments, excite hatred, or inspire vengeance, and interpose between the provisions of the law and its execution, he will be considered as a disturber of public order, and as an enemy of the sovereign and of his country, and he will be punished with the utmost rigour of the law. The regency flatters itself that the Portuguese people, both from their natural character, and for their common interest, will adopt, on this occasion, that principle of conduct which is at once their most important duty, and the course in which they may become principally useful.

(Signed)

“ INFANTA REGENT.”

Through all these official documents we may trace the tone of apprehensions too soon to be realised. Three considerations presented themselves, upon each of which, separately, serious fears for the public peace might reasonably be founded; and the combination of all these elements of danger now threatened a terrible convulsion. Of these three existing causes the first was the persevering temper of the Silveira party, ever on the watch for occasions to promote their own ambitious views, to embarrass the government, and to re-establish in all its rigour the despotism of the old regime. Irritated by repeated checks and discomfiture, this faction were aware that the more beneficial the new charter was likely to prove in its operation, the fainter would become their hope of ultimately succeeding with the nation. It was evident that their policy would therefore suggest an immediate interference, before the people should have leisure to consider, much less to experience, the advantages of those better prospects which were now beginning to dawn upon them.

Secondly, the state of the army; discontented under every change of the late years, because from none had they derived the benefits anticipated in each. It has been shewn how reluctantly they were led to concur in the general voice, whose loud exultation had drowned their murmurs, when the decisive step of the late king had separated them from the only member of the royal house who had enjoyed opportunity of winning their cordial good-will. In Don Miguel they beheld a leader of the most energetic character, under whose command they had achieved a romantic exploit, and overturned, without a blow, the whole system put together with so much labour by the Cortes. Under the same leader, they had delivered the country from the oppression of Subserra, and the king from his evil counsels. The brighter and more dazzling points in the prince's character had been pre-eminently displayed before them; upon its shades they had not time, perhaps not ability, and certainly not inclination to pause.

Young, royal, enterprizing, enthusiastic,

the prince had attracted their admiration, and awakened their zeal: their affection was gained by the confidence he so evidently reposed in them; and that they had not experienced greater advantages under his command, was attributed by no means to any disinclination on his part, but to the well-known fact of his being so fettered and restrained as to enjoy merely the name, while others exercised the reality of power. By a bold effort, they had freed him from these trammels; and before a single event could occur to prove the reality of his zeal in their cause, he had, by a stratagem peculiarly mortifying, been snatched from them altogether, leaving the remembrance of his exploits and supposed wrongs as deeply engraved on their minds, as were the sanguine hopes of future glory and prosperity under his uncontrouled sway. What more could be necessary in these unsettled times, than to suggest, as was immediately done, to the troops, that the infante was held an unwilling captive in Vienna, and looked to their assistance as the sure and only means of elevating him from a prison to a throne?

Lastly, the state of Spain afforded the highest encouragement to the disaffected in Portugal. Her monarch, the brother of the restless queen, retained an absolute throne by means of military force, strengthened by foreign aid; and this was precisely what the adherents of despotism in Portugal might choose for a model. Spain, garrisoned by French soldiers, might readily spare to them from her own army a host of allies, prepared to assist in extinguishing that liberty which, while it brightened Portugal, rendered the darkness of the sister kingdom more gloomy in the contrast. For the constitutional government there was no security that France would not sanction, passively at least, in another court, the line of conduct pursued by herself; and even supposing no overt and active part were taken beyond the frontier, still, that a safe retreat could be there gained, and means too for the support of a rebellious army, the Marquis of Chaves had sufficiently proved during his stay at Salamanca, in 1823.

From this formidable combination of un-

toward circumstances, what could be expected upon the promulgation of the new charter, but consequences most perilous to the public safety ? I have already observed, that the majority were favorable to a moderate constitution, but let it be remembered in what gross ignorance the peasantry, and others among the lower orders, composing the bulk of the Portuguese nation, had been kept, and we shall then see how easily designing men could give them such erroneous views of the new constitution as best suited their own nefarious purposes. Those who could read and judge for themselves, were furnished with falsified copies of the charter, in which some clauses were omitted, others altered, and several introduced which had been invented by these unprincipled conspirators.

Copies, thus mutilated, were actually seized by the police in Lisbon, in the month of July, and plainly shewed the designs of a party indefatigable in mischief. Among those who had neither ability nor opportunity to ascertain the truth, it was only necessary to assert whatever appeared most likely to

work on their feelings and prejudices. The loyalists—and such, I have before remarked, are the Portuguese generally—were assured that the charter differed in nothing essential from that established by the Cortes; and that, as their late king had been held in forcible subjection by that audacious body, so was now his daughter, the infanta regent, by others holding the same principles under a different name.

This argument served likewise with those who gave themselves no concern about kings and courts, but who well remembered the miseries inflicted on them by the mismanagement of the Cortes, and dreaded a revival of that system, as the precursor of irremediable ruin. The single act of causing the exclusion of Portuguese vessels from the Brazilian ports, had been sufficient to render the name of that Cortes hateful to them. Commerce was now about to revive; the poor farmer looked forward to a sure market for the produce of his land; and to tell him that the form of government under which that market had been closed against him, would be re-

established, was to ensure his most vehement opposition to every thing connected with it. Nor could these uninformed rustics discriminate between the two cases.

Surrounded by prospects so threatening, the party most interested in upholding the new constitution should have enjoined and practised the utmost circumspection in their demeanour towards persons of different sentiments. But, on the contrary, so early as the beginning of July, we find the avowed partizans of the charter insulting the old royalists, and deriding some who wore the medal of fidelity, a decoration granted to those who took part in the counter-revolution of 1823. Thus, by attacking their innocent and laudable feelings of reverence for their lawful king, the constitutionalists excited those sentiments beyond due bounds; and gave them first a pretext for holding out the new charter as a sanction to republican licentiousness, and then an excuse for combining, as if defensively, against unprovoked aggression.

Loyalty itself, too, was now a sure in-

citement to rebellion in the bosoms of many who merited the character of sensible men, and good Portuguese. Canvassing the subject dispassionately, they dwelt on the evils attending the uncertain minority of a child, seven years old, a female too, and a foreigner, while, as they conceived, a man born among them, the son of their king, well acquainted with their nation, and attached to it, was entitled to the preference by right, if not by law. They argued, that the two nations having been separated during the life time of the late king, could not be again re-united in the person of Don Pedro. The emperor, indeed, had recognized the latter clause, and, in consequence, abdicated the Portuguese crown ; but they contended that he never succeeded to it rightfully ; and what was not his to enjoy, could not be his to bestow.

Men of these opinions, likewise complained that the charter which he had given was completely foreign, and forced upon the country without consulting its inclinations, or even asking the sentiments of a single

Portuguese: they denounced it as a most tyrannical proceeding, tending to degrade the nation from its dignity, instead of exalting it. If they were to have a constitution, they said, let that which was established at the foundation of the monarchy be renewed and put in force. Indeed, they remarked, that it was still extant, and could easily have been adapted to the present times: even up to 1812 there had existed in Lisbon a deputation of the three estates, church, lords, and commons, which proved how very lately their constitution had fallen into disuse. Such was the tenor of their remonstrances; and there was so much plausibility in some of these arguments, on the ground of reason and justice, that it sufficed to confirm a very large number among the better class of Portuguese in the cause of Don Miguel, whether sanctioned by him or not.

The arrangement, also, by which, while an ample proportion of the heads of the church obtained seats in the chamber of peers, all legislative power was apparently withdrawn from the priesthood as a separate

body, stirred up the inferior and more violent orders among them, to great animosity against the new charter, which was indignantly represented to the people as an audacious attack upon the honour of their religion, a gross insult to their spiritual directors, and calling for divine vengeance on the nation, if permitted to continue.

The parallel is extremely close between the events of 1823 and those of 1826, as regards the means used, and the agents and instruments employed, for the subversion of the constitutional government, although so widely and essentially differing in its present form, from that which was justly detested and overthrown. The queen, the clergy, the army, and the peasantry, were all either working or wrought upon as before; and to these may be added the female population, generally, who, always led in a material degree by the clergy, were not now less likely to embrace the cause, when a young prince, of chivalrous character and romantic adventures, was nominally placed at its head. Spanish influence and bribery operated in

sure though unseen progress ; and agitations excited at Madrid, spread from that central point to the most distant provinces of Portugal. Thus we have seen how, on the advance into Spain of the French armies, the Marquis of Chaves had hoisted in Tras-os-montes the standard of revolt, and that the first impetus to a movement that shortly laid Portugal again prostrate under the old despotism, had been given precisely at the epoch when the constitutional system was overthrown in the sister kingdom.

Overawed by the presence of a French army, Spain had made no effort to shake off the yoke; while Portugal, under the generous influence of England, was continually aspiring to, and obtaining, some fair hope of a liberal and enlightened policy on the part of her rulers. A reasonable constitution had at length been brought forward in a tangible shape, and promptly carried into effect : but Spain desired no such neighbourhood to attract the view, and to awaken the efforts of her own enslaved population. Therefore was all the secret machinery put in motion by

which she hoped to annihilate, in its birth, the promise of any free and rational constitution in the Peninsula ; and therefore were her frontier towns thrown open, as so many dépôts, where the disaffected of Portugal might assemble, and be furnished with arms, money, and leaders.

From even a cursory view of the two periods of 1823 and 1826, such would be the just expectations formed in the latter year, as to the probable result of publishing the new constitution : and, accordingly, it was found in effect that the process of swearing to the charter, was opposed at the very outset in various places. At Chaves several arrests occurred, so early as the 22d of July, in consequence of the open attempts made to encourage such resistance. In the province of Tras-os-montes, the troops indicated a strong tendency to violent measures ; and on the 26th of July the 24th regiment placed some of its officers in arrest, and openly declared against the regency, whose authority the soldiers refused to recognize. This example was followed, on the succeeding day,

by two regiments stationed in the Alentejo, the 17th of infantry, and the 2d of cavalry, who stamped the character of determined rebellion on their proceedings, by deserting into Spain; as did also the 24th. These movements, combined with the alarmingly convulsed state of public opinion, growing into an unappeasable ferment, induced the regent to issue a proclamation, by means of which, as it would appear, hope was entertained that the storm might yet be averted. On the 1st of August this address was published.

#### PROCLAMATION.

“ Portuguese! By the constitutional charter to which you have just sworn, I am appointed to the regency of these kingdoms during the minority of my august niece, our lawful queen, Senhora Donna Maria de Gloria. As the first among his subjects, it is my first duty to put into speedy and vigorous execution the wise constitutional charter which has been given from his throne, to his Portuguese subjects, by my august

brother, our legitimate king, Don Pedro IV., whose glorious name is pronounced with admiration, respect, and astonishment, in America, in Europe, and in the whole world. I shall execute, therefore, and cause to be executed, this immortal constitutional code, the only pledge of our political salvation. He who opposes it, the laws will punish without pity ; and I shall be as inexorable as the laws.

“To revive, by all possible means, our ancient prosperity and glory, to encourage the arts and sciences, to promote agriculture, commerce, and industry, in a word, to employ all the means that are calculated to make a nation happy which is worthy of being so, such is my sacred duty ; such is my ambition. O Portuguese ! I have no other : and if, as you know, I have hitherto sacrificed my health for the good of the country, I will sacrifice myself, if such a sacrifice be necessary, to the good of the state : and where is the Portuguese, worthy of that glorious name, who does not willingly join his regent in such noble sentiments ?

“ Portuguese ! let us imitate our ancestors, and we shall be as they were, by their immortal deeds, the wonder of Europe and of the world. Union, and obedience to the laws, and we shall be happy : and when I shall deliver up the government of these kingdoms to our legitimate sovereign, Senhora Donna Maria de Gloria, I shall be able to say to her with truth, and with the purest delight, ‘ Senhora, you are about to govern a noble nation ; always faithful, always attached to its legitimate sovereign. It was unhappy, because the genius of evil found among the Portuguese a fatal and protracted asylum : but the wise political institutions which your august father, our king, graciously granted us, casting far from us the monster, laid the most solid foundation of our felicity and glory. I raised the edifice of our good fortune as far as I was able, assisted by the whole nation ; but its completion is reserved for your majesty. Read, and meditate, as is fitting, on the truly heroic history of Portugal : no reading will be more useful to you. Imitate models which it presents to

you in the difficult art of reigning: imitate them, Senhora, and you will be the delight of the Portuguese, who, to the latest posterity, will repeat with respect, love, gratitude, and benedictions, the name of your august father, and yours.'

"Portuguese! Union, and obedience to the laws! Let us imitate the heroic virtue of our ancestors, and we shall be, as they were, the wonder and admiration of the universe.

(Signed)

"THE INFANTA REGENT."

From this curious state paper, it would appear that the infanta did not calculate on relinquishing the reins of government, until her niece should attain the right of assuming them, notwithstanding the explicit declarations of the charter on that point, by which the infanta's regency could but continue a little more than a year beyond the date of this proclamation. The mixture of menace, flattery, and persuasion, displayed in it, did not answer the expectations of its framers. A disposition to hostile movements was ex-

ceedingly prevalent, and preliminary steps had been taken to ensure a general revolt among the troops quartered in Lisbon, which, it was contemplated, should break forth on the 21st of August: on that day a part of the cavalry of the police corps—the same who were foremost in joining the infante when he quitted Lisbon, and marched for Santarem, with the 23d regiment—commenced the work of confusion; instigated, as it appeared, by officers not belonging to their own body. By the vigilance of the government, these men were placed under arrest before others of the military could re-inforce their slender party; and thus vigorously met, at the outset of its career, rebellion dared not raise so bold a front of defiance, as when the timid regency, the blundering Cortes, or imbecile king, were its opposers.

A more prudent mode of proceeding was adopted, and the head-quarters of sedition were placed at a distance from the capital: while desertion into Spain, in small bodies, gradually diminished the force of the army. The Marquis of Abrantes had been ar-

rested in 1824, for taking an active part in the extraordinary occurrences of April and May, when the infante headed the insurrection in Lisbon. His name also had been continually mentioned in connexion with the secret sanguinary deed of the night that proved fatal to the Marquis of Loulé at Salvaterra; though this stain was not fixed upon his character by any tangible proof; for, as we have seen, the king's decree placed a seal upon all the processes and examinations which had reference to that period. As nothing, however, touching his participation was ever published, we must in justice conclude that he was innocent of the atrocious act, although one of those excepted in the amnesty, and banished from the kingdom. A warm partisan of the prince, he now came openly forward, and on the 7th of October, inducing the 14th regiment of infantry to revolt at Tavira, where they were stationed, he soon saw them joined by the greater number of the troops throughout Algarve. The people of Tavira generally afforded no open support to this measure, but neither did they

testify any inclination to dispute it, and the marquis gave importance to the place by there establishing a regency in the name of Don Miguel, king of Portugal.

These proceedings were not the effect of sudden impulse; a connected plan was evidently in existence among the leaders; and in pursuance of such mutual understanding the Marquis of Chaves made a similar attempt in Tras-os-Montes, two days previous. So feebly, however, was he supported, and so little did the people appear disposed to concur in the insurrection, that he found it a more prudent measure to make good his retreat into Spain; upon whose frontiers the increasing numbers of deserters were regularly forming, prepared for any incursive movement in support of the regency newly proclaimed in Algarve. This revolt certainly bore a very formidable aspect in the eyes of the government; for the minister of war, who was known, deservedly, to enjoy more popularity, among the remaining troops than their other generals, left his official station in Lisbon, and put himself at the head of a divi-

sion, with which, on the 18th of October, he marched upon Algarve.

It may not be amiss here to remark on a circumstance that took place about this time, and which proves that, before the occurrence of any actual invasion from Spain, our decisive support was given to the government of Portugal, in a manner which it is impossible to reconcile with the doctrine of non-interference in the internal concerns of the latter country. And although the force employed, on the occasion to which I refer, was certainly very small, yet its disposal proved that England was resolved to extend a protecting arm over the royal personage who sat at the head of the regency, should any insurrectionary attempt in the capital menace her safety. Thus were we interposing most effectually in the national concerns of our old ally ; and in a manner creditable to the generous fidelity of England. I allude to the fact that one hundred and fifty men of the royal marines were landed from our vessels, and placed under the immediate direction of the infanta. The British admiral, in his order, states that

“ the purport of the royal marine corps is as a body-guard, and, in case of necessity, to render every assistance for the personal protection of her royal highness the princess regent, and her family ;” and other arrangements are mentioned, which satisfactorily prove the intention of supporting that force, if necessary, by farther decisive measures.

I advert to this circumstance, merely to expose the folly and ignorance of those who regard as an unjustifiable and inconsistent act, our sending out efficient military aid to tranquillize Portugal, and preserve her from the horrors of a general civil war, while admitting, as they do, the propriety of our maintaining a fleet in the Tagus, manned with a marine force so numerous as to prove that, if employed at all, their services were to be rendered on shore. Portugal had learned, from glad experience, that even a handful of English troops were not to be despised ; but the presence of this little armament undoubtedly operated as a salutary check on the enemies of order, principally from their being rightly regarded as an earnest of what

England would yet do, if called on to redeem her ancient pledge of assistance. Without foreign aid, no hope of successfully resisting the constituted authorities could reasonably be entertained ; and the incursion of an invading foe would be the summons for what they plainly saw England would not be tardy in granting.

As the division commanded by the minister of war advanced towards Algarve, the self-created regency retired into Spain ; this example was followed by the troops who had supported it ; and beyond the frontier they drew together in compact form, with the view of attempting a farther descent upon their ill-fated country. No one, surely, could for a moment entertain the supposition that such proceedings were carried on without the sanction and connivance of the Spanish government. Not to dwell upon that treacherous and despotic character which Ferdinand has so successfully established in the sight of the whole world, and the circumstance of his being the brother of the dowager queen of Portugal, still we must acknowledge it im-

possible that a large rebel force should be harboured, collected, equipped, and supported with such perfect impunity, in all the Spanish frontier towns, had not the civil and military authorities in those places been perfectly well assured that a good understanding subsisted between these insurgents and their own tyrannic rulers. Uninvited, the deserters of Portugal never would have crossed the line of demarcation ; unassisted, they never would have re-passed it in hostile array against their native land. It was worthy of the base and cowardly Ferdinand, entrenched behind his foreign guards from the indignant menaces of his oppressed subjects, to give secret intimations of his will, without openly committing himself ; and then, if England should justify his fears and the hopes of Portugal, by vindicating her high character, as she has done, to protest that all was perpetrated by his servants contrary to his known wishes.

## CHAPTER VI.

1826—1827.

*Opening of the new Cortes—Speech of the Infanta Regent—Recal of Sir Charles Stuart from the Court of Lisbon—Estimate of his laudable Exertions for the Welfare of the Portuguese Nation—Assemblage of the insurgent Troops on the Frontiers—Faithless Conduct of the Spanish Government—Combined Invasions of Portugal by the Insurgents under the Marquis of Chaves and other Leaders—Review of the political Conduct of Chaves and his Faction—Judicious Military Operations of the Constitutional Government against the Insurgents—Arrival of British Troops in the Tagus—Its paralyzing Effect upon the Movements of the Insurgents—They seek refuge in Spain—Inaction of the British Army—Renewed Irruption of the Insurgents—Repulsed by General Stubbs—Considerations on the future Employment of the British Forces in Portugal.*

ON the 30th of October, 1826, the first session of the Cortes was opened, and the infanta regent addressed the assembled representatives of the nation in the following speech.

“ Worthy peers of the kingdom, and gentlemen deputies of the Portuguese nation—In beholding you assembled, on this memorable

day, around the throne of my august brother and king, Don Pedro IV., I rejoice with you, and with the whole nation, that it has pleased Divine Providence in a manner so authentic and so solemn to consolidate these wise institutions, which at different periods have constituted the happiness of many nations ; and which will speedily lead to the prosperity of our dear country. You are well aware how the country, which is now denominated Portugal, has never recognized, even in the most remote age, any other government than that of a representative monarchy ; but the prelates and grandees of the kingdom formed the representative body ; the people had no voice and no share in its institutions, which were almost feudal. It was the kings of Portugal who, some time after the origin of the monarchy, conceded to the third estate those rights, and that dignity, which barbarous ages had denied to the people. Portugal then flourished for the first time under the protection of a purely representative government. There existed, however, no laws to give stability to institutions adopted only by

usage, and handed down by tradition ; these constitutions fell, in consequence, into desuetude, and the Cortes were forgotten by the nation which they once represented.

“ It has been reserved for our days to revive the representative assembly by wise and stable rules ; such was the design contemplated by the royal mind of my august father, whose memory will be ever dear to Portugal ; such is the design which, to his immortal honour, my august brother has consummated, by conferring upon this nation the boon of the constitutional charter. We are called to the highest destinies ; to work out the happiness of our country. Such a prospect should conduct us on our way with hope, and smooth the ruggedness of a journey, of which honour and glory are the noble termination. The opinion of a vast number of individuals who compose a nation can never be expected to be uniform respecting the principles upon which the art of governing states is founded, nor upon the choice of the means for securing their happiness.

“ This truth presses most strongly upon

our observation, at a time when progressive political institutions are taking place in the nation ; yet the Portuguese people, from their naturally quiet and moderate disposition, and from the strong affection which they bear to their lawful kings, can never cherish long such differences of opinion ; much less push them to fatal results. There have arisen among us, indeed, some perverse and traitorous individuals, who are neither true to their ancient valor and loyalty, nor to themselves. Yet, with difficulty, have they succeeded in drawing away from the path of honor and duty a few of their weak and imprudent countrymen, by the diffusion of misrepresentations the most gross, and the practice of impositions the most criminal.

“ Happily the number, whether of the seducers or seduced, receive no increase ; the great majority of the Portuguese nation remain firm in their fidelity to their country and to their king. I can augur nothing but what is favorable from the disposition shewn by foreign nations towards us ; and time, I am assured, will confirm this augury. United

by the faith of treaties, and by the most undoubted proofs of friendship, to one of the great European powers, and at peace with all the rest, I calculate upon the decided support of the first, and upon the kindness and fraternal reciprocity of the others. All of them will speedily learn from experience that the representative government of Portugal is truly just and moderate ; that it seeks not to carry disquiet into any other state on account of diversity of institutions, but limits its intentions to the energetic and steady defence of its own. Already have facts, more forcibly than words, shewn the prudence and good faith of this government. These have, in great measure, relieved the apprehensions of a neighbouring nation ; the government of that nation is now convinced that difference of political institutions ought not to diminish that friendship and mutual confidence which the solemn obligations of treaties, the ties of blood, and the vicinity of territory, have so long consolidated.

“ But one circumstance was wanting to confirm our hopes of future felicity, it is

wanting no longer. A few hours ago I received from Vienna intelligence that my dearly beloved, and much esteemed brother, had taken the oath to the constitutional charter, without condition or qualification, on the 4th of the present month ; and that, immediately after that act, he had addressed his holiness for the purpose of obtaining the necessary dispensation for solemnizing his marriage with my august niece and sovereign queen, **Donna Maria II.**

“Our legislative enactments will eminently conduce to the maintenance of public tranquillity, and to the stability of the political system confirmed by the charter ; they will establish on the solid basis of justice the civil and criminal codes of the empire, they will give regularity to our municipal bodies, and to our provincial tribunals, and they will add, at the same time, a new impulse to commerce and agriculture, the sources of our national prosperity. In mentioning commerce, I cannot refrain from communicating the very flattering hopes which I entertain of seeing its activity doubled, both in Portugal and Brazil.

The treaties concluded between that empire and some of the powers of Europe, give additional strength to this hope; and we have still more assured pledge of it in the well-known affection of the emperor of Brazil towards the country which gave him birth, and over which his august ancestors reigned.

“ Your attention will, doubtless, be directed, with very particular care, to such plans of education, and public instruction, as must contribute efficaciously to purify the morals of a people from the corruptions engendered by a period of national distractions. Nor will the re-establishment of education, founded upon the principles of the holy religion which we profess, and which we shall ever defend, less contribute to the stability of the monarchy, and to the production of that perfect harmony in which all members of this great family ought to dwell.

“ Worthy peers of the realm! in your capacity of legislators you are called upon to take part in those important labours; but you are also summoned to exercise the high functions of the magistracy. By the wisdom,

firmness, and patriotism which shall distinguish your efforts, you will serve as an example to those who may succeed to your hereditary dignities.

“ It is with you, gentlemen deputies of the Portuguese nation, that will of right originate all measures which respect the recruiting of the army, and the taxes—two subjects which may most efficaciously concur in consolidating our general happiness, as well as our independence and safety, upon which that happiness absolutely depends. The establishment of our public credit also demands your most serious attention. The ministers of state will furnish you with all the explanations which the charter requires of them.

“ Finally, from all of you conjoined, worthy peers of the realm, and gentlemen deputies of the Portuguese nation, I expect, and the whole nation hopes, the accomplishment of our brilliant destinies. To you the throne looks for its firmest support; and you have before you, as the great recompense of the interesting labours on which you are about to enter, the delightful satisfaction of being

able one day to say to your countrymen, ‘ we found Portugal weak and languishing, we leave her vigorous and flourishing.’ ”

Not long after the opening of this session, sir Charles Stuart was recalled from Lisbon, and carried with him the good-will and the gratitude of all whose esteem was worth wishing for. Many things have been said of his proceedings, as though he had greatly overstepped the bounds of the authority vested in him: nevertheless, I believe he enjoys, what he unquestionably deserves, the cordial approbation of every well-wisher to national freedom. Nor can his conduct towards Portugal appear really censurable, except to those who have unfortunately contracted such narrow views of general policy, as to condemn every movement beyond the most narrow limits of selfishness; even when undertaken for the sake of rescuing an old and faithful ally from certain destruction, and of conferring the inestimable blessings of liberty upon a whole people. By such individuals, and by such only, must the truly English spirit be condemned, which actuated

sir Charles Stuart in becoming the benefactor of Portugal; to all others his conduct will appear most praiseworthy, and deserving of general admiration.

Notwithstanding the confident tone assumed by the infanta, in speaking of the recent rebellious movements, the greatest perplexity imaginable pervaded the government at this time. They had undoubted information that the troops, which had continued to desert from all parts of Portugal, were rapidly collecting in Spain, at such points as afforded the most evident facilities for a simultaneous irruption into their own country. Intercepted letters fully confirmed the inference thus naturally drawn from their movements; and even in the beginning of November it was publicly spoken of at Madrid, with remarks upon the plan there known to be adopted by the insurgents, of crossing the frontiers in two places, by a connected and corresponding advance.

Through the intervention of our ambassador, a promise was extorted from the Spanish government of withdrawing the Por-

tuguese deserters from the frontier stations, which they had been permitted to occupy, and dispersing them through the interior of Spain. If we are to judge of the future good faith to be expected on the part of Ferdinand VII., by his sincerity in this engagement, and by the fidelity of its performance, we certainly have little ground on which to build any dependence, as the event has abundantly shewn. For, on the 23d of November, the Marquis of Chaves and Viscount Montalegre, at the head of an organized force, commenced their long-meditated operations, by marching onward and entering the province of Tras-os-montes ; while, on the 27th, another body, led by Magessi, and acting upon the systematic plan of invasion, so carefully matured under the counsels of Spain, advanced into the Alentejo, and planted the insurrectionary standard of civil war in the bosom of their own country ; against whom they now put in practice all the military knowledge which they had acquired in defending her.

In this disgraceful and cruel proceeding,

we find, as the principal actor, the Marquis of Chaves, now become a member of the upper chamber, and, as such, peculiarly bound to watch over, and deliberate upon, the interests of his countrymen. But, still sacrificing to his own restless and ambitious spirit, all that should have been most dear to him, he who, in 1822, had given the first impulse to the movements of counter-revolution, who, in 1824, had taken so active a part in the revolt under Don Miguel, now, in 1826, at the head of a rebellious army, poured into his native land a torrent prepared to desolate and destroy many of her helpless inhabitants; and to overturn what he knew to be the fairest hope, the surest bulwark, of her rising prosperity. We may fairly allow that, in 1822, he had acted upon a principle of conscientious duty; although his failures should have taught him, that his talents did not qualify him for distinguished military command: in 1824, it is evident that his motive was that of revenge, and a wish to exalt himself upon the ruined fortunes of his contemporaries: in 1826, he

was, doubtless, impelled by the same vengeful and ambitious projects, on an enlarged scale, grasping at conquest and power, although, instead of a few individuals, a whole nation, and that his own, should bleed for his and his family's aggrandizement.

For, we must not confound the Marquis of Chaves, and other leaders of the same party, with the poor deluded peasantry whom they seduced into an acquiescence with their measures. Those wily men perfectly understood how total was the dissimilarity between the constitution of 1822 and the charter of 1826. They knew the latter to be as well calculated to promote the real interests of Portugal, as the former had been to involve her in anarchy and ruin. How unfounded, then, is the remark which we sometimes hear, that these men are true to their old principles, and stedfast in the cause of legitimate sovereignty. The object of their first opposition, had been a government erected by demagogues on the ruins of the monarchy, whose title they yet preserved only as a means of harassing, oppressing, and exulting

over the weak prince who represented it: the cause against which they now so fiercely arrayed themselves, was that of a rational, constitutional, and temperate establishment, voluntarily bestowed on the people by their king, and guaranteeing to the throne all its best and most honourable prerogatives, while it redeemed the nation from the reproach of slavery, and the long oppression of mis-government.

By some it has been affirmed that it was not to be foreseen how events would develope themselves; and that no one could certainly suppose that the Portuguese would again re-enter their country from Spain, and proclaim the infante as king. The minds to which this approaching climax was not visible, must have been very little habituated to political calculation, or even to the simple process of comparing, and drawing inferences from, the events before their eyes. For what other purpose could reports, so false and calumnious, respecting the new charter, have been circulated so industriously among the people—reports of its being no other than the old con-

stitution revived? Why was the infante's name continually introduced, with lamentations on the assumption that he was coercively detained at Vienna, as the only means of preventing his personally asserting a pretended right to the throne of his elder brother? To what intent were the deserters instructed to make Spain their general rendezvous? Surely that country could not hold out to them the prospect of comforts so superior to those which their own afforded, as to compensate for the loss of their pay, and all visible means of subsistence: nor could they expect these to be bestowed on them in Spain, in remuneration for the benefit of their helpless and inactive presence in a country wretchedly impoverished, and already groaning under the additional burden of a foreign army, who acted as gaolers to her vanquished liberties. Neither can it be supposed, that by the flight of the troops from their quarters, the queen's party expected to promote a rising of the general population in their favor. No: they were too well acquainted with the temper and habits of the

Portuguese peasantry to calculate upon this. In no instance, among the late rapidly succeeding changes, had a revolution been effected, or even attempted, by a popular movement, independent of the army. The suppression of those tumultuous proceedings, in which the military had taken the lead, under Don Miguel, in the summer of 1824, had been achieved by suddenly removing from their head, the chief under whom alone they were prepared to act, thus leaving them no alternative but to acquiesce in the general voice, or to persist in an aimless contest. What, then, but a matured plan to carry into effect the original object of the queen's party, thus defeated on a former occasion, could have induced this desertion of the troops into Spain, there to assemble and to be organized; and thence, under the sanction of her government, to march back, a formidable host of determined assailants?

By taking up their position on the frontiers, the refugees might also hope to ascertain what line of conduct England would decide on adopting towards the Portuguese

government: for, should she confine her aid to the maintenance of a naval armament in the Tagus, they well knew such assistance would oppose no bar whatever to their designs. Establishing their regency beyond the range of our cannon, they might proceed at their leisure; and could calculate on gaining over a vast number of their wavering countrymen, by plausibly asserting that the government at Lisbon was compelled to retain the semblance of authority under our dictation; being, with Lisbon itself, at the mercy of our fleet.

Pausing here for a while, and seeing no indications of active proceedings on the part of England, they drew the inference most consonant to their wishes, and advanced. Had their commander been possessed of greater energy and professional skill, this <sup>irregular</sup> ~~irruption~~ had not failed to place our country in a situation far from pleasant, while the subjugation of our ally to a despotic military power must have been rapidly accomplished. But, thanks to the incapacity of the rebel leaders, and to the decisive promptitude of

the English government, this difficulty has been spared us, and the ruin of Portugal for the present averted.

On the 6th of December, it was found necessary, by an act of the Cortes, to suspend, for three months, the privilege individually enjoyed by the citizen, under the charter, of exemption from arbitrary arrest: and power was vested in the government to make use of this suspension, as might be found expedient, according to provisions made in the constitutional charter, (Article 145, paragraph 34.) The executive was also empowered to suspend, and even to dismiss from their situation, such magistrates and judges as might incur suspicion of mal-practices, without observing the formalities prescribed by the 121st and 122d Articles of the charter.

This measure furnishes a strong, though indirect, proof of the foreign interference already adverted to. The magistracy were suspected; and as it cannot be supposed that they would, without present remuneration, have risked the loss of their situations, we

cannot but conclude that Spanish gold had been employed in corrupting them. Circumstanced as Don Miguel avowedly was—held, as his friends asserted, in durance, which prevented, and still must continue to prevent, his personal appearance among his partizans—the enterprize of proclaiming him king was one of very doubtful success ; nor could members of the magistracy have been moved to commit their fortunes to so hazardous an attempt, unless by the allurement of such immediate profit as overcame at least the prudent scruples, if not the conscientious misgivings of these official men. Ill paid, liable to removal on slight grounds, and always looked upon as open to corruption, the temptation held out by such bribery was great ; and the influence which they were known to exercise over the people belonging to their jurisdictions, rendered their assistance worth a persevering effort to gain.

It must not be supposed that the foregoing character is applicable to the whole body of the Portuguese magistracy. Corrupt as the majority too surely are, I have yet

known among them men whose honourable principles, strengthened by a superior education, rendered them proof against every species of subornation: but such exceptions, I fear, are by no means common.

Of the troops who still preserved their fidelity, a body was marched to oppose the insurgents, now stationed in the Alentejo: but the rebels, retired upon their approach, and were eventually compelled to evacuate the province without coming to any engagement. Indeed they did not appear desirous of hazarding the diminution of their numbers, by fighting in that quarter: but rather of effecting a diversion in favor of their comrades in the north. For, Alentejo lying more contiguous to the capital, any demonstration of a menacing nature on that province, would oblige the government there to concentrate its disposable force, and thus to leave the Marquis of Chaves time to establish himself at his old haunt in the north; where he might expect to receive more general and effectual support than in any other part of the country. Reinforced, he might pursue such course as

appeared to promise the most successful results ; whether by crossing the Douro, and entering the Beira, or by marching upon Oporto, and there fixing his head-quarters. But it seems that the marquis and his confederates had miscalculated the extent of their expected augmentation ; while the preparations made to defend the line of the Tamega and Oporto so intimidated the assailants, that, after a very leisurely movement in that direction, the marquis finally resolved to cross the Douro ; a decision to which he might further be induced by the opportunity thus gained of effecting a junction with the force lately repulsed from the Alentejo, and which was now slowly moving along the Spanish frontier, in order to unite with him.

As it is not my purpose to write a history of this Lilliputian campaign, I shall merely say, that the small corps sent against the insurgents, was disposed with such skill as to confound all their calculations, and to drive them back from every position which they had taken up. In vain had they advanced considerably into the Beira ; in vain pos-

sessed themselves of Almeida, its principal fortified town. Threatened on all sides, and left to shift for themselves by the inhabitants, who were taught, by their cruel and impolitic violence, to consider them as invading foes, they were compelled to abandon their enterprise, and to retire upon the territory of their worthy ally, depending on such resources as they were doubtless assured she would furnish to them. Would they ever have ventured forth from behind her frontiers, if not perfectly secure of again finding there a safe retreat, in the event of such discomfiture as they had now experienced ?

The operations of the insurgents, on this occasion, were conducted in a manner very similar to the campaign of their party in 1823 ; that is to say, in a style more resembling a burlesque upon military movements, than the efforts of men who had a great and permanent interest at stake : much less of those to whom success would be aggrandizement, and defeat utter ruin. At the former period, they had been opposed by others who appeared ambitious of contesting with them

the palm of ignorance, folly, and imbecility ; and whose proceedings were as ridiculously unconnected and unmeaning as their own. But now they had to contend with an army moving under different principles, and it would be most unjust to pass over, without a remark, the display of good generalship and sound judgment by which the marches of the government army were so ordered, as to menace and dishearten their opponents, and oblige them to retire without coming to an engagement. Such an event would have been extremely hazardous, as involving a trial of fidelity on the part of the defending army, under which it might very probably have failed. A natural dislike to bayonetting their countrymen and old comrades, would have given additional force to the influence of example, and to the awakened recollection of days when all were disposed to unite under that prince, in whose name the revolt was insidiously planned, and ostensibly conducted.

It was, therefore, most desirable to avoid a personal encounter with the rebels ; and

the skill with which they were so effectually manœuvred out of the country, without putting the constancy of their opponents to too severe a test, demands the highest applause. While fairly claiming the merit of rescuing Portugal, by the energetic movement of our government, we must not withhold from her the commendation of having successfully maintained a struggle on her own behalf, until the effectual succours of her old ally could place her in an attitude of confident defiance.

But it is well known that to no particular officer, in command of any military body, belongs the praise of having formed these judicious arrangements; and that all acted in pursuance of instructions received from the seat of a government, among the members of which it would be very difficult to select an individual capable of directing the combined movements of an army. To account for it, therefore, we must adopt a supposition very generally advanced, that these successive operations were planned, matured, and executed under the presiding genius of the commander;

to whose experienced hand the troops of Portugal originally owed whatever was imposing in their character, or formidable in their establishment. When the marquis of Abrantes entered Algarve, in October, and proclaimed Don Miguel as king, Lord Beresford was immediately dispatched by our government to Lisbon, where he arrived on the 1st of November, and continued to reside, certainly not as an unconcerned spectator of the fate of that nation, whose principal military command he had so long and so efficiently borne.

It is extremely fortunate that the insurgents were so speedily obliged to evacuate Almeida. The state of that fortress, dilapidated as it is, was fully adequate to its defence against such troops as were advancing upon it; and the count of Villa Flor was threatened with the unpleasant necessity of ascertaining whether his men could be brought to act offensively against their invading countrymen. This is the fortress which, in 1810, was delivered up to the French, through the treachery of some Portuguese officers, which caused the necessity of our sudden retreat upon the lines of Torres-Védras.

If we may judge from the ridiculous exaggeration with which the Portuguese commander clothed his reports of some very trifling affairs, it must be presumed that he did not expect the opportunity of communicating any considerable successes, probably finding his troops by no means inclined to the attempt. Had the rebels, therefore, made good their possession of Almeida, for any length of time, an opportunity must have been given for tampering with the government forces, and undermining their fidelity to their present rulers; which, as we may infer from their conduct during the last six years, did not hold out any flattering promise to the supporters of Don Pedro's charter.

This danger was happily averted by the arrival of our troops in Lisbon, which so affected the morale of the contending armies, as to induce a large portion of one to desert the standard of those who had seduced them from their allegiance, and to confirm the other in its wavering principles of obedience. To counteract the good effect naturally looked for from the appearance of our army once more in the Peninsula, it was industriously reported

that the English troops would not act against the Portuguese who had invaded their own country ; for, it was argued, England was withheld from yielding such assistance by her pledge of not interfering between the political parties who might contend with each other in Portugal.

This false assumption, however it might affect the calculations of distant observers, had then no weight with either of the conflicting bodies. They justly considered that, by dispatching this military force, England had explained her view of the recent invasions, as a foreign attack ; and that she had therefore come forward to support and protect the country, in conformity with the articles of those treaties which formed the basis of her alliance with it. They did not so misjudge the consistent and intrepid character of England as to suppose she would rest satisfied with parading her soldiers in Lisbon ; but they gave her credit for a resolute purpose of employing them, most actively, against all invaders, to whatever nation they might belong.

The most urgent solicitations could not draw from England the aid of a single regiment until a hostile force had actually crossed the frontiers ; but no sooner was it known that Spain had permitted the entrance from her territory of an army, which, without her consent and connivance, could never have assumed its threatening aspect, than a powerful armament was dispatched to the Tagus, once more to reiterate the proofs often given, that, not only to the letter, but in the most liberal spirit of all her engagements, England was ready to prevent the wishes, and to surpass the hopes, of all who could claim her succour.

The invaders did not wait for a practical illustration of her designs in favor of Portugal ; they hastened again to take shelter in Spain : but we must conclude that, finding our army still stationary in Lisbon, the repeated assurances of those whose interest it was to deceive them, at length gained some credit. Believing that the British would not act against them, they ventured on a second irruption into Tras-os-montes, hoping by an

attack on Oporto to establish themselves there, and thus to secure possession of the northern provinces. In this they completely failed, and we cannot but feel particular satisfaction in finding that failure principally attributable to the gallant and persevering efforts of one individual, an English officer, who resigned his British commission in order to devote himself entirely to the service of Portugal, where he has singly sustained the reputation of his countrymen, in a manner most honourable to them and to himself.

General Stubbs, by his presence of mind, and promptitude of action, has proved himself fully equal to the most perplexing emergency. A more brilliant display of boldness, energy, and decision, was never, perhaps, witnessed, than that by which the personal exertions of this distinguished officer have recently saved the north of Portugal. In him the people of Oporto have still before their eyes a specimen of that character which their country in general has so often enjoyed the opportunity of appreciating; although the intriguing spirit of their wretched policy

has again overcome their sense of its value. By this same narrow and envious feeling, have they been prevented from again seeing Lord Beresford at the head of their military force. And thus have they neglected the advantages once more placed within their reach by the condescension of a man whose generous feelings of sympathy would have obliterated from his mind the recollection of past insults and ingratitude, who would have re-organized, united, and disciplined that force, which his former efforts had alone rendered worthy to bear the name of an army.

The movements of our troops upon Coimbra did away with the deception under which their temporary pause in Lisbon contributed to leave the insurgents ; and we may reasonably conclude, that the last effort of the rebels will prove to have been the expiring struggle of a discomfited faction. Now that their final expulsion is effected, and our army has taken up its assigned positions, no farther aggression from the Spanish territory can be apprehended. But let us be most particular in confining our military assistance

within the limits of this task, carefully avoiding the slightest appearance of interposition, on the part of our troops, in the internal government of the country.

Any encroachment, any assistance, where her police is concerned, will be pregnant with the most disastrous consequences. With the administration of justice, with what relates to the reciprocal duties of rulers and their subjects, with all that binds these to their laws and to each other, British soldiers must be totally unconnected ; ever bearing in mind, that, as a foreign invasion alone could justify their appearance in that country, so, nothing but the repeated attempt at hostile aggression from another kingdom, can authorize their slightest deviation from the quiescence of a defensive attitude.

Should any new internal revolt arise, I will venture to predict that it cannot wear an aspect so serious as to disturb the general tranquillity of the country, or baffle the measures which her government must be left to take for its suppression. To this conclusion I am led by the palpable fact, that all the

revolutionary movements in Portugal have hitherto been ventured upon under the expectation of assistance from Spain, should such be required. The rebellion of 1820 sprung from the progress of the Spanish constitution ; the counter-revolution of 1823 was commenced by the marquis of Chaves, upon the advance of the French army, and completed upon the triumph of arbitrary principles in the sister kingdom. The revolt of 1826, originating in the ambitious projects of a turbulent party, would never have become formidable if unassisted by Spanish bribery, and promises of all necessary aid, both in arms and in troops. But while a British army interposes between the territory of Portugal, and that of her mischievous neighbour, a prospect so evidently chimerical will fail to delude any considerable part of the nation.

To decline all interference with the Portuguese inhabitants, as far as our auxiliary forces are concerned, may appear an easy task ; but in our political relations one of considerable difficulty and momentous impor-

tance presents itself. The duty of our military commanders is to see that no invaders retain possession of the field ; but it remains for England to make good her promises of friendship to the country, by strenuously exerting the influence with which her guardian character invests her, to ensure to its people the full enjoyment of every advantage connected with the cause which she advocates. I am aware how great a clamour has been raised, in different quarters, on the subject of "thrusting a constitution on the Portuguese nation at the point of the bayonet," and if such nonsense deserved a serious refutation, it would be easily given.

But unless it be asserted, that with the bayonet's point sir Charles Stuart accomplished his benevolent purpose in Brazil, and that he by force of arms introduced the charter, so eagerly desired by every true patriot throughout Portugal, it is impossible to attach any meaning to this fashionable expression. By the instrumentality of an Englishman, this benefit was conferred on our ally ; and England may congratulate

herself that such was the case ; but by the free, uncontrolled, undirected act of the Portuguese executive, was the charter promulgated, established, and put into active operation. Scarcely has this event taken place, when a hostile force enters Portugal, for the avowed purpose of overturning such beneficial act of legislation, and England, true to her treaties, dispatches an army to drive them thence. But if, from long observation and experience, England knows the character of the Portuguese government to be unsteady, vacillating, intriguing, and inconsistent with its best principles, is it less her duty to see that the nation suffer not from its rulers that wrong which she will not permit it to sustain from those who, under foreign influence, have rebelled against constitutional authority ?

Let us keep, then, most carefully distinct, the dissimilar process of military and political interference. Our troops were sent for a specific object, beyond which they must not advance one step ; but while the Portuguese government feels that its very existence hangs

upon their presence, shall we not make use of the weight attached by such circumstance to our counsels, for the mutual advantage of both rulers and subjects ?

That the undertaking is extremely difficult, requiring all the firmness and all the delicacy that can be combined, calling too for an extraordinary exercise of judgment, temper, and an intimate knowledge of the country with which we have to deal, no one can dispute. But the incalculable advantage accruing to a nation whose battles we have fought, and whose welfare we have long watched over, ought to surmount the ungenerous suggestions of selfish timidity ; and although all the well-known intrigue of a Lisbon government be opposed to us, the motives inciting to perseverance are sufficiently powerful to promise well for the accomplishment of the important task.

An erroneous supposition is entertained by some, that in Portugal a considerable faction bend their united efforts against our influence. But no English, or anti-English, feeling has ever existed there to such extent

as to deserve the title of party prejudice. Our conduct and our people have been judged by individuals, as occasion offered, and applauded or reviled according to our sympathy or indifference towards their supposed national welfare. These, however, were merely the partialities and resentments of the moment, and I believe that a recurrence of the same circumstances will always excite no more than the same temporary variations of feeling, in the mass of the Portuguese nation, towards us.

Be the government as despotic as it may, there will be no ground for serious apprehension on their part, so long as we maintain an army of 10,000 men on their territory, and a naval squadron in the Tagus; but rather let us withdraw both, and leave the country to destroy itself in the violence of civil commotions, than affix to the English name the stigma of supporting an unjust administration, and overawing an oppressed people. It is to avert so painful an alternative, that England should now keep a jealous eye upon the rulers of Portugal; and should the old

disposition to bad faith, and indifference to the public welfare, re-appear, let the same threat be resorted to that is said to have wrought on John VI., when by no other means could he be persuaded to dismiss his ministry ; the menace of withdrawing the British squadron, and leaving him, with his favorite Subserra, to concert measures for the suppression of that rebellious spirit of which he had so often experienced the effects. It must be our part to apprize the executive and legislative powers that, unless they be faithful to their pledge of labouring for the happiness and prosperity of their country, they will be left to encounter alone the natural consequences of their misconduct.

The recent promulgation of the constitutional charter, now renders this vigilance, on our part, more needful ; because, by the neglect of those whose office it is to bring its enactments into due operation, injury rather than benefit to the country may be the result. The analogy which it bears to our own admirable and happy constitution, will not immediately produce corresponding advantages.

The required concurrence of the three estates is, with us, a formidable bar to innovations, the tendency of which would generally be injurious, our well-established laws, and political regulations, scarcely admitting of much alteration for the better. Portugal, on the contrary, groans under a code that requires not merely revision, but a total change in almost every particular ; and it may be found as difficult there to unite the three estates for the amelioration of evil, as with us for the overthrow of what is salutary and estimable.

Many changes, sudden and entire, must be wrought in Portugal, unpalatable to royalty, to aristocracy, or to the representatives of the people ; and from obstructions easily raised in one of these quarters, such delays, jealousies, and misunderstandings, may be produced as shall serve to counteract the best digested plans for the public advantage. Here, our prompt and decisive interference is requisite to enforce, to the extent of our influence, the adoption of measures that will leave the nation no cause to re-

gret the failure of Spanish policy, in attempting again to force upon them a form of government so despotic as to exclude all disputations on the subject of their interests.

Before the eyes of Europe and the world, we have now established a proof of fidelity to our avowed principles, and of disinterested good-will towards our ally, to whom our aid was promised in the event of foreign aggression. This aid was unhesitatingly extended, when, had England been disposed to interpret the spirit of her engagements according to the dictates of selfish policy, the claim might have been easily evaded. By taking up arms in defence of Portugal, she hazarded very serious consequences to herself; no less than igniting all Europe with the torch of war, while she, as the principal, must necessarily have been the most considerable sufferer. To avert from Portugal the impending storm, she fearlessly exposed herself to this peril, when, would she have stooped to subterfuge, it could have been plausibly argued, that the *casus fœderis* had no more arrived, upon the

return of insurrectionary deserters from Spain, than she held it to have done when they had before taken refuge in that country, and proceeded to arm and to organize a host, for the evident purpose of such descent upon their native soil.

The magnanimity of these proceedings on the part of our government is undeniable, when we consider how far from profitable to us must be the alliance of Portugal in her present state. Imposing no conditions, displaying no reluctance, England succoured her in the hour of her most hopeless distress ; and if it be proved, that by now insisting on such measures as shall establish and guarantee the welfare of her people, we are likewise laying a sure basis for our own permanent advantage in our future connexion with her, surely none will accuse us of acting upon unfair or narrow principles. Genuine liberality rarely fails of reaping its proper reward, while promoting the well-being of others ; and that such must be our case, with regard to this unfortunate country, now looking to us as the only bulwark of her liberties, is as

evident, as that a more contracted view of our duties in respect to her would ultimately lead to an issue no less certainly disastrous to England, than it would be to Portugal irretrievably ruinous: for the bond of union between the two countries is now too closely drawn to admit a separation of interests. To extend or to withhold the repeated, and strongly urged, application for military aid, was optional with our government; but the measure, once adopted, cannot be recalled; nor can a more responsible situation be easily conceived than that in which England, much to her honour, has voluntarily placed herself in her political relations with Portugal.

## CHAPTER VII.

### CONSIDERATIONS ON THE FUTURE PROSPECTS OF PORTUGAL; AND ON THE LINE OF POLICY WHICH IT BEHOVES ENGLAND TO ADOPT IN HER RELATIONS WITH THAT COUNTRY.

AFTER the attempt made, in the preceding parts of this volume, to exhibit an historical view of the revolutions which have agitated Portugal since the close of the Peninsular war, it may not prove useless to offer a few remarks on the future prospects of that kingdom. The generous interposition of England, to arrest the calamities which were overwhelming the Portuguese people, has intimately connected us with their affairs; and our national interests and honour are all pledged to promote their future happiness, and to support among them that constitutional system which we have had so large a share in introducing. How these objects

may best be effected, it remains to enquire; and having had a long experience of the character of the Portuguese, and the political state of their country, I may, perhaps, here be permitted to offer a few suggestions on the general subject. I shall endeavour briefly to state my convictions on the line of policy that it behoves England to adopt towards Portugal, in regard both to our commercial relations with her, and to the internal government of her people.

If we would secure the affection of the Portuguese, our first step should be a generous abandonment of those little profits which, by existing treaties, we may have been enabled to gather from our trading intercourse with them. Our object being both to confer and to reap advantages of far greater importance, this trifling gain must be relinquished in furtherance of the design, and for the purpose of more effectually proving that the enlarged view which we desire to take, overlooks those minutiae at which a narrow policy would eagerly grasp. Why should we, for the paltry consideration of a trifling

monopoly of trade, cramp the energies and deaden the enterprize of a people who, in their most prosperous estate, can never hope to compete with us, in any branch of the produce which they import from our shores ?

There was, indeed, a time when that market yielded a return of wealth too important, and gave to our commerce an impulse too animating, for such relinquishment upon any other grounds than those of absolute necessity. But that time has passed away ; and our present exportations to her shores are not worth a selfish calculation ; even if self-interest did not point out the obvious expediency of now exchanging our commercial relations with her for others of a political nature. For, let an eye be cast over the scale of our general mercantile intercourse with the different nations of the earth, and it will be found that, during a long series of years, a gradual decrease has been observable under the head of Portugal : while, in an inverse ratio, the profits derived from trading with Brazil have proportionably augmented. In short, in summing up the com-

parative receipts from those two countries during the year 1826, it appears that the total value of our exports to the Peninsula have suffered a diminution, since the preceding year, of about half a million sterling ; while those to Brazil have, in the same period, increased to the same amount ; the advantage in one quarter balancing the loss in another.

This fact deserves serious attention, as proving the rapid decrease of national prosperity in Portugal, and the result is calculated to reconcile even the sordid mind to a voluntary resignation, for the present, of a few delusive advantages, which, if we give not our earnest attention to the support of that country, will shortly become valueless to us. England reckons, in the revenue of her post-office alone, an annual sum equalling the entire revenue of the Portuguese nation : and we may be assured, that however prosperous the latter may, through our means, become, the ready market which our hardwares find in the Peninsula will always remain open, even if the import duties were

double their present amount. Nor will any competition be for many years attempted, in producing supplies for her own consumption, except in the articles, and under the heads, of woollen cloths, cottons, glass, leather, and coarse linens. Indeed, coarseness must be the distinguishing mark of all her manufactures and artificial productions, the state of her machinery being almost as rude now, as in the days of its invention. Her workmen, too, are deficient in expertness; and yet more so in that energy which security and confidence alone can bestow. Nor can these encouragements be experienced, until a long season of comparative prosperity shall have healed the wounds inflicted by years of internal distraction.

Therefore we may safely infer, that no attempt can be made to rival other nations in the production of any superior goods whatever; and no advance of duty will prevent our broad-cloths—the principal article of our exports in that quarter—from constantly experiencing a sale as extensive as at this, or any preceding period. Let us seek to en-

rich Portugal, though it be at a present loss to ourselves : the comparative wealth that she may derive from our liberality, will, ere long, be poured back into our national coffers with interest ; and the reward will be rendered doubly valuable to every benevolent mind by the reflection, that we are not grasping the extorted spoil of a helpless, perishing neighbour, but gleaning plentifully from the rich field where she will already have reaped an abundant harvest, through our forbearance and generosity.

I have said, that political relations ought now to supersede those founded on commercial principles : this is surely evident from the present state of the whole Peninsula. The influence of France is now all-powerful in Spain, whose principal fortresses are occupied by her arms, whose territory is overrun by her military force, and whose government could not exist for one week after the departure of such potent auxiliaries. Recent events have sufficiently proved the absolute necessity of our preserving in Portugal a counter-balance to this formidable influence ;

unless it be our will that she, like Spain, should exchange the character of an independent kingdom for that of a helpless province of the French empire. Of this she also is perfectly aware; and if the merit generally ascribed to us, of having introduced to her acceptance the present constitutional form of government be justly due, let no false delicacy, no scrupulous adherence to political formalities, no dread of incurring the censure of narrow-minded calculators, withhold us from that course by which alone we can ensure prosperity to her, and to ourselves a satisfactory retrospect.

Now is the time to operate effectually on her behalf, to confirm the hopes we have unsparingly held out, and to consolidate the form of government, which, to say the least, we have publicly stamped with our approval. Her happiness and our character are at stake: either deserves a sacrifice of some value to sustain it unimpaired; and the union of both objects should be a motive sufficiently strong to overcome the voice of distrust or pusillanimity. We have gone so far as to effect a

military occupation of her principal towns: from this step we cannot now recede without inflicting on her a twofold injury; nor can we here pause, with any real advantage to her, or satisfaction to ourselves.

It behoves us, then, to address the government in terms clearly explanatory of the principles of our interference. "We have once before driven from your soil the invaders who sought your subjection: we have now again repulsed from your territory the rebels who would have deluged it with kindred blood, and overwhelmed you in the ruins of your most promising institutions. We plant a wall of defence between you and the enemies of your security: we protect you in the enjoyment of those commercial advantages, which, through our mediation, have recently been restored to you; and thus, guarded as you are from foreign warfare, from domestic animosity, and from impending bankruptcy, we demand of you the redemption of that pledge so solemnly given, to watch over the interests of the country. While in your ports, and at your frontiers, we repel every

external foe, be it yours to banish from among your people those evils that have preyed upon them for successive years. Be it yours to legislate wisely, and actively to execute the laws you frame. Our treaties of alliance are not with this or that individual, whose influence may, for a time, ride ascendant over the national councils. Portugal is our ally ; and to her permanent benefit your efforts must tend ; for to that, our friendship, our aid, and our inclinations principally point."

If England shrink from using such a tone as this ; if she withhold her advice, or fail to insist on its adoption, she will find such a task undertaken in her recent proceedings, as will involve her in inextricable difficulties—a task as wearisome, profitless, and perplexing in peaceful times, as it will be inevitably ruinous in a season of war. The measures which we ought primarily to enforce, must be those which will tend to make the charter more familiar to the nation, and consequently more popular than it [now is : by putting into present operation all its most beneficial

enactments, and by bringing before the deliberative bodies such proposals as will prove to the people that their dearest interests do indeed form the subject of continual study among the members of the state.

In Portugal, so much meets the eye, in every imaginable point of view, requiring revision, alteration, substitution, expulsion, or introduction, that, to those who have not witnessed the inconceivable adroitness of some governments in evading the performance of duties, and splitting hairs on questions of mere form, or ebullitions of private feeling, it must appear impossible for the executive to avoid being busily and importantly occupied. But experience has shewn for how many hours every day men may sit in solemn debate, and leave their country's cause, at the end of a session, just where they found it at the commencement. This was eminently the case with the former Cortes: the people know it: and nothing will so convincingly prove to them the superiority of the present constitution, as the adoption of a widely different line of con-

duct, on the part of their representatives, convened under it.

Royal promises, too, have been scattered most profusely, in former days, among the expecting people, and eagerly caught at, as the earnest of approaching prosperity. These were found to be as insubstantial as air; and something better than bare assertion will be requisite to satisfy the Portuguese nation, that the proclamations of Don Pedro, and the speeches of the infanta regent, will lead to more tangible fruits than were produced by the daily assurances of John VI.

Another most important mutual advantage will accrue, from our thus applying a needful spur to the leading authorities in Lisbon. Spain cannot but watch, with a curious and interested eye, the progress of reforms which we have put it out of her power to interrupt. Neither can she be blind to the rising prosperity of her sister kingdom, under a temperate and constitutional form of monarchical government; nor fail to contrast this happiness with the wretched slavery to which she herself is again reduced, beneath

the rod of a despotism, unrestrained in its exercise, and wielded by the most imbecile and contemptible of kingly puppets. The result is easily to be foreseen: she will struggle to shake off the disgraceful yoke; and her indignant feelings, excited to the highest pitch against the foreign armies which have thrown and chained her prostrate beneath the foot of Ferdinand, will burst forth, to their sudden and signal discomfiture. She will be aroused to prove that she is a nation still—a nation sensible of her accumulated wrongs, and prepared to re-assert, with irresistible ardour, a nation's violated rights.

In this we may foresee a most formidable weapon preparing for our use, as a salutary and effectual check upon any menacing movement, or warlike inclination, that France may hereafter indicate against England. Spain will not always be the vassal of that power, whose armies we chased from her mountains, and hunted through her vallies: she will not always wear the aspect of treacherous hostility against those allies who conquered in her cause. If ever a bright

prospect dawned upon a suffering and degraded people, such now sheds a distant hope upon Spain. It rests with us to remove the obstructions which interpose against its consummation ; and to beware lest our supineness postpone for many years the deliverance of a whole nation. France holds the Spanish people in unwilling bondage : even among those who, in 1823, were most anxious for her interference, she may now number a host of foes, whose jealousy and resentment she provoked by her retention of Cadiz, Barcelona, and other strong holds of Spain.

Perhaps to the consciousness of this general hatred, may be traced her abandonment, in 1826, of the measures which she so authoritatively sanctioned, and so powerfully established three years before. Her situation, lofty and commanding as it appears, is by no means an enviable one. But it is ours to improve the opportunity now afforded, of giving silent, though most efficient, encouragement to the future rising spirit of the Spanish people, by placing before their eyes the fairest example of those blessings, which

they want but reviving energy to grasp at in their turn.

With such prospects in view, I must maintain that England is bound to press her counsels upon the Portuguese government in a way that, under other circumstances, she might hardly deem justifiable. All coercive measures are, of course, entirely out of the question; but there appears, in the character of the present rulers, reasonable ground to hope for a ready acquiescence in these friendly suggestions. The infanta regent possesses every requisite to promote the happiness of the nation. Good natural abilities, quickness of comprehension, and kindness of heart, distinguish her. And although the time approaches when she ought to relinquish the regency, she must be kept till then from the influence of those intriguing deceptions to which she is necessarily exposed. I say the princess ought, shortly, to relinquish the regency; because, in all its bearings, the charter must be supported; and in virtue of its express enactment, Don Miguel will very soon claim the right of administering the

government during the queen's minority. Until he assume that office, no lasting tranquillity can be expected in the country, his right being well understood, and his party too strong to be kept in subjection while the queen is a minor. To see him established in his authority as regent, is our duty, when he shall have attained the prescribed age, and have bound himself by such obligations as may satisfy his brother, and the nation generally, that he will attempt nothing subversive of that charter on which his right is founded, and in support of which, we find ourselves called upon to assert his claims.

We must not be led into the error of imagining that, because, by the imposing array of our troops, rebellion is now smothered, and Portugal tranquillized, the whole mass of the Portuguese nation will therefore lay aside their long-cherished prejudices and partialities, embrace the charter generally, and blend their contending factions into one, beneath the influential presence of our army of occupation. This will not be: gratitude is not a prominent feature in their

character; and those who have the interests of Portugal most sincerely at heart, do not always rank the highest in her estimation, by whatever labours and sacrifices they may have evinced the reality of their good will towards her.

Of the people, the majority, it is true, have now hailed the charter: yet, among its most open supporters, there is a numerous and powerful party who approve it no farther than as it protects them from a renewal of the scenes that, in 1824, threatened them with destruction. These, who were more peculiarly endangered by the attempts of the insurgents, most ardently desired the interposition of England: but when they behold, through her means, these vengeful enemies rendered harmless, their former principles will re-assert themselves. Gathering strength from the rational share of just freedom afforded by the charter, they will begin to cry for more liberty than it allows; and they will regard, with increasing dissatisfaction, those to whom they attribute the adoption of terms more favorable to royalty, and imposing a

stronger curb on popular licentiousness, than accords with their notions of a free government.

Neither will the genius of intrigue forsake the opposite faction, however its open manifestation may be checked by existing institutions, and by the barrier that intercepts the support of their armed auxiliaries. Sanctifying with the names of devoted loyalty and true religion, the narrow prejudices and sullen bigotry of former ages, they will long for the re-establishment of despotism and superstition; looking forward to the return of their titular king, as to the appointed triumph of these their darling errors. And in fact, it is but too probable that, should Don Miguel be kept from the country until he can no longer be restrained, the overthrow of those institutions which caused his annoyance, will become his object; and in rewarding their opposers he will not fail to seek the injury of all who supported them.

This whole question, of Don Miguel's assumption of the functions of government, is one requiring mature and careful deliberation,

for on it, more than on any thing else, hang the internal peace of the country, and the stability of her newly acquired privileges. This return of the infante, which must sooner or later be looked for, must principally be kept in view, where the affairs of Portugal are under discussion. His name has been used by the insurgents as their rallying word ; under it a regency, opposed to that lawfully established in Lisbon, has been appointed ; and it still is heard from many lips, still cherished in more hearts, as though he were a rightful monarch, forcibly exiled, but ever reigning in the loyal affections of his people. It were, however, unjust to suppose that Don Miguel sanctions such misuse of his name, in direct contradiction to the explicit and repeated assurances, and solemn oath, in which he has recorded his full and cheerful recognition of his brother's sovereignty, and freely ratified the arrangements made on his behalf. Yet it must be grating to his feelings to see the throne of his ancestors thus pass away from him, during the life-time of his brother, who, for himself and his direct

male line, has chosen a new empire, while he places a female child on that ancient throne.

I have already fully dwelt on the legal justification of Don Pedro's proceeding in this matter; but we cannot expect Don Miguel to view it in a light so unfavorable to his own interests, and natural wishes. To him, or at least to his conscientious partizans, it seems that the young princess inherits this kingdom upon precisely the same title by which it would have devolved upon himself, had the separation of Portugal and Brazil, during his father's life-time, been recognized *de jure*, as it was *de facto*.

That the present succession has been settled according to the law of Portugal, may be proved by a reference to that passed in the year 1641, wherein it was provided, "that in case the king of Portugal should be called to the succession of another crown, or of a greater empire, and be compelled to reside always there; and if he has two or more male children, the eldest son shall assume the reins of government in the foreign coun-

try, and the second in Portugal ; and the latter shall be the only recognized heir and legitimate successor." Undoubtedly if this king of Portugal is Don Pedro, in his assignment of the crown to a younger child, he has acted in conformity with the law above quoted. But a person interested in taking a different view of the matter, would find but little sophistry required to maintain that, in fact, John VI. was the monarch so called to a greater empire, when he took upon himself the title of emperor of Brazil, a few months previous to his death ; and that in Don Pedro and Don Miguel we behold the two sons, of whom the elder being quietly established in regular succession on the throne of Brazil, the younger, as a matter of right, must seat himself on that of Portugal.

The letter of this law, indeed, will not admit of such interpretation, nor did John VI. either make the slightest movement towards taking possession of the Brazilian empire, or by any act attempt to interfere with the acknowledged sovereignty of his son, whose title and authority he fully recog-

nized, in the treaty already given, and in other official acts. But yet it cannot be denied that such an allotment of the respective crowns would have been in close conformity with the spirit of the law. Nor must we be surprised that many in Portugal prefer this interpretation, which would have given them a king, well-fitted, in their own estimation, to assume the chief power, instead of a long minority terminated by the accession of a young female, born and educated in another hemisphere, and among those whom they consider as the revolted subjects of their ancient monarchy, and whose principles are exceedingly opposed to their own.

Of Don Miguel himself we have no reason whatever to conclude that he is otherwise than perfectly reconciled to what he could not prevent. He has declared himself contented with the distant prospect, after exercising the functions of regent during his queen's minority, of appearing only as the titular sovereign of a kingdom, over which a great portion of its natives conceive that he ought to reign the absolute monarch... If

such be really his feeling, too much commendation cannot be bestowed upon him ; acquainted as we all are with the energy and enterprize of his character. But it is not enough that he be thus peaceably disposed ; some means should be adopted, without delay, to reconcile the party distinguished as his, and to unite them in cordial concurrence with the present regency, as long as it exists. This party is very powerful, even if we exclude from it all who are friendly to despotism for its own sake, without a reference to any individual ruler.

It is desirable to convince them that the present is a temporary arrangement, and that in a short time Don Miguel will, according to the charter, be placed at the head of the government, until the young queen shall have passed her minority. To fix the period at which the infante should thus be entrusted with the chief power, may be somewhat difficult. If he refuse to enter into a solemn contract to uphold the present form of government, nothing should be done until the expiration of the four years for which the present chamber

of deputies are elected; nor until their successors have taken their seats, and the two chambers have fully entered into the business of the session. The marriage of Don Miguel ought in this case to be celebrated previous to his return from Brazil; and as twelve years is no uncommon connubial age for the females of South America, very little additional delay will be occasioned on this account.

The regency of the infante, extending from the period of his marriage to that at which the queen shall attain the full age settled by the charter, must be, in many respects, differently constituted from that now established under the infanta, so as to insure the fulfilment of the conditions imposed, for the security of existing institutions. But certainly a prospect like this, at no great distance of time, will tend much to counteract the designs of those who would seduce Don Miguel into an active opposition to the present administration, and the constitutional charter. The stability of this government Don Pedro will doubtless study to confirm,

by the tenor of such restrictions as he may deem it right to impose on his brother; and the presence of our troops will combine to guard it.

That such an arrangement would be the best possible means of surmounting the difficulties that threaten Portugal, in her very delicate and peculiar relations with the infante, I am far from presuming to assert. The suggestion is only one of many schemes that may be devised by those better acquainted with the existing circumstances that connect the Rio, Lisbon, and Vienna. But this I will fearlessly and confidently predict, that unless some efficient and satisfactory measures be speedily adopted, to reconcile the Miguelites and the existing government, Portugal will not only continue in her present wretched state of debasement, but her deliverance from it will likewise become more hopeless than ever; while the political interests of England will be unavailingly sacrificed, and her troops insulted by those whom they are commissioned to protect. The queen also will take possession of a throne involved

in deeper perils, and more irremediable evils, than those with which her unfortunate grandfather had to contend; while the assumption of his titular authority will be with Don Miguel the signal to commence a line of vexatious and injurious policy, in regard to England. He will naturally be taught to consider the part which we have taken against him as an unjust exclusion from his legitimate rights; and he will surely seek to revenge himself for the long period of exile and mortification that must have intervened, if no mode of conciliating him and his zealous champions shall have been, in the interim, decided on.

What the counsels of England may be I cannot pretend to anticipate. We have statesmen fully competent to the task of duly considering the subject, and suggesting such provisions as may ensure the most favorable results. But these counsels must, in justice to ourselves, and to the ally whose territory our troops now occupy, be frankly and unequivocally given; and enforced by the declaration, that unless sufficient weight be allowed to attach to them, our army will

immediately be recalled. Admitting, as we have done, and answering with ready succour, the plea for military aid against an invading foe, we know of no treaty by which we are bound to maintain such force on their territory, on the speculative possibility of a second armament being prepared in Spain, to take advantage of our departure.

Portugal must know that we are interested in her welfare, both as respects our friendly feeling towards her, and as we have so freely linked our own political relations with hers. She is also to be convinced that we do not consider our duty fulfilled when we have expelled her foreign invaders. A new, and probably an intriguing government, now claims to direct her course; if her public prosperity be compromised by her rulers, we shall desire by friendly counsel to rectify their errors. It should be our object to render our national interference, which was so earnestly sought after in the hour of danger, conducive to the permanent happiness of every class among her population, in accordance with the charter which she has solemnly accepted, and which,

if rightly administered, is calculated to produce every needful benefit, well suited to the genius of the country, and must promote her growth in prosperity, respectability, and power.

The Portuguese executive government, as well as the condition of the people, being burdened and corrupted by innumerable errors, and abuses of the most obstinate description, it is only by effecting complete, though gradual reforms, in all, that the grand object can be achieved, so indispensable to the welfare of the country, of amalgamating opinions and feelings that hitherto have refused to blend, and conciliating adverse parties, whose violent dissents must continue to rend and destroy their unhappy country.

Let the rulers of Portugal be distinctly told that we are willing to sacrifice some commercial advantages for the benefit of their people, requiring in return such measures on their part as shall render that nation a useful and respectable ally, instead of a burdensome dependent. That, among the first of their public acts must be numbered the re-organi-

zation and equipment, both of her army and navy. At least 30,000 well disciplined troops must be provided from her population, as absolutely necessary for her defence on any emergency; that the trouble and risk of organizing them may not again be imposed upon us, when, perhaps, her frontiers may be occupied by an active enemy, as was the case in 1809, while we were obliged singly to sustain the combat for her, until we could so far train her raw undisciplined battalions, as to commit them in the field by our side. From the lessons then given by our officers, and the example daily afforded in our soldiers, the army derived some benefit. But we must not be contented with an imposing militia force on paper; this branch of the Portuguese army has now no chance of ever being so organized as to become effectively disposable. We may expect to find, throughout this branch, a resemblance to one of their best regiments, which precipitately disbanded itself during the progress of the counter-revolution in 1823; each man flying to his own home, exposing the town of Thomar to be

deluged with blood, as it assuredly would have been, had not individual resolution prevented it.

In how deplorable a state is the navy of Portugal ! The docks of Lisbon produce as beautiful ships as can be launched, and the Portuguese sailors received much well-earned commendation from our naval commanders, under whom they individually served during the last war. Yet it cannot be forgotten that, within a very few years, the Tagus was blockaded by two Algerine corsairs, who maintained their station for a considerable time, with impunity, and set the whole Portuguese navy at defiance. England has a right to demand particular attention to this very important branch of national defence. The next war in which we are involved may, probably, array a very powerful maritime people against us ; and we, who have so prodigally lavished both our naval and military resources in the cause of Portugal, must require that she now establish a competent nursery for seamen, in the prospect of lending us such assistance hereafter as the remem-

brance of our former and present aid must render her desirous of placing at our disposal, if one honourable or grateful feeling exist in her bosom. A Portuguese squadron may be no unacceptable auxiliary to us, in the defence, perhaps, of its own coast.

Should the council of state prove itself too ignorant or too prejudiced for the promotion of these objects, on a scale worthy the numerical strength and political pretensions of their country, let the regency ensure sufficient support to the design, by commanding a majority among them ; a task by no means difficult, as no restriction is laid with respect to the numbers composing the council ; or let their opinion be taken merely on those subjects connected with the moderating power, in which the charter renders their interference unavoidable. In the chamber of deputies, a cordial support will doubtless be given to all measures evidently calculated to improve and aggrandize the country ; and wretchedly weak indeed must that government be, which, in the present state of Portugal, cannot, on every question, ensure a majority in the upper cham-

ber. Want of energy, or unprincipled intrigue, in the quarters from whence the country expects the amelioration of her miseries, can alone present an effectual bar to improvement; that energy we must supply, should the rulers be palpably deficient in it, and counteract the baneful influence of such intrigue, by touching on the chord that most readily vibrates—the fear of our desertion.

Agriculture must be carefully encouraged, and relieved from the grievous oppressions with which it is now burdened; not by fixing a high maximum of prices, as was done by the Cortes in 1821, to the ruin of the farmer, but by removing some, and diminishing others, of the heavy dues to which his produce is liable. The friars have immense estates attached to their own communities; let them be restricted to these sources of wealth, and let the tithes, the eighths, and the fourths, drawn from lands cultivated within the districts of their respective convents, be entirely suppressed. These extravagant demands of the church are the principal shackles that paralyze the hand of industry; and many

a league of good land lies untilled, because the poor farmer cannot ensure a sufficient return for his labour to cover all the unavoidable expences of its cultivation, after the king's taxes have been claimed, and the exorbitant church dues rigidly levied, as they invariably are. When these grants were first made to the convents, very little of the neighbouring land was under cultivation. At present their wealth is sufficiently enormous, without wringing from the needy agriculturist the hard earnings of his toil. Although any attempt to decrease the property of which the clergy are individually in possession must be avoided as a perilous experiment, yet it might be found very advantageous narrowly to restrict the number of individuals permitted to enter the convents, admitting none under a certain age. This would be an important step towards a general reform, and others might, in process of time, become practicable.

The law which confines the term of leases to a period of four years, should be repealed. It not only bars the improvement of lands,

but leads to their continual impoverishment; because each tenant will seek to extort from the soil its utmost produce during his short proprietorship, and few can afford, fewer yet think themselves required, to enrich it for the next stranger who may become the occupant.

The parochial clergy should receive an augmentation of salary, both with a view of increasing their personal respectability, and of attaching them more firmly to the government, whose interests they can largely promote by means of their powerful influence over the minds of the lower orders. We have seen to how fatal an extent they were alienated under the old constitution, by the rude and oppressive measures of the Cortes. Every repetition of such impolitic proceedings must be carefully avoided, and no external disrespect to the clergy allowed: for their enmity is as much to be deprecated, as their services in keeping the people tranquil are valuable. Most of them may be brought to concur in projects for the gradual and general education of the lower classes, if it

be made clearly conducive to their own advantage ; and this is a most desirable point to attain. For, as long as the people continue sunk in ignorance so deplorable, they will be the passive instruments of every artful deceiver who can gain their attention to his misrepresentations.

The power of proposing laws rests with the government ; but in its choice of measures, it should be guided by the judgment of those most intimately conversant with the state of the country. Decrees relating to the distribution of justice must be most carefully framed, for no department requires a more complete reform than this, so complicated and so obstinate are the abuses that have interwoven themselves with the whole system. To put a period to bribery and subornation, will alone be an Herculean labour ; nor can the necessary remedies be applied, nor the requisite improvements effected, unless disinterested itinerant commissioners be appointed, with full powers, to examine into and report upon the numerous mal-practices of that devouring host of placemen. When the

people see an impartial process of enquiry and reform in activity at their very doors, they will begin to hope for real deliverance from evils that have hitherto defied their every attempt even to ensure a fair discussion of them at the seat of government.

The Portuguese people manifest an extraordinary spirit of opposition against the introduction of every attempt at innovations : that is to say, against every improved plan of operation, whether in agriculture, mechanics, or any other department of industry. The press now used in preparing oil differs in nothing from those which were in vogue some centuries back : this rude machine consists of the trunk of a large tree, about thirty feet in length ; an enormous stone is the force applied to this clumsy lever, to which it is suspended by a wooden screw, that serves to raise it from the ground as required : and this acts upon the bruised olives, placed near the other extremity of the trunk, and presses the juice from them. A foreigner, residing in Portugal, took the husks and kernels that had passed through this process, and placing

them in a press where the power of the screw was properly brought into action, obtained more than a eighth part of oil, in addition to what had already been extracted by the common method. The strange antipathy of these people to improvements, may be farther illustrated by the following curious instance: the same person, when planting a vineyard, wished to avoid the needless cost and labour attendant on the usual process. According to this, the ground is dug to the depth of nearly four feet, and the vine cuttings laid in, at about the same distance apart. The foreigner in question made use of an instrument resembling a large gimblet, which, while it bored the soil, likewise inserted the cutting. It was afterwards discovered that the native labourers, indignant at the innovation, had, with the young scions, introduced speargrass, which ultimately destroyed them. He also attempted an improvement on the miserable bullock-carts, and succeeded in constructing a car which, when heavily laden, was drawn by one bullock more easily than the awkward machines of the country could be moved by

two oxen. But he experienced the greatest difficulty in persuading any Portuguese to work with it; and at length it was intentionally destroyed. One man exclaimed, “I will no longer drive such a cart; for load it as heavily as you may, it will not squeak”—alluding to the incessant grating noise produced by their rude revolving axles: an abominable sound, which the rustics believe to be as encouraging to their oxen as it is agreeable to themselves.

This determined resistance to every novel introduction, is the natural offspring of ignorance and long-rooted prejudice: it must be overcome by liberal encouragement, and by noticing indications of creative genius with adequate rewards. In all cases of useful invention, the recompense must be ample, and the patent preserved inviolable to its owner. The people will soon learn to regard with complacency those modern improvements, which they now hold as wanton superfluities, because their fathers contrived to do without them. The empire of Brazil, an infant in respect to time, is far more advanced in many

branches of experimental knowledge than its ancient mother in Europe: the diffusion of useful instruction will be to her a valuable boon; and if the present opportunity pass away, leaving the great mass of her population still in darkness, we cannot hope to behold her in that situation in which it is alike our duty and our interest to place her.

To promote the free circulation of internal trade, in all its branches, it will be necessary to facilitate the navigation of the Tagus and other rivers, connecting distant stations by means of canals, and paying much attention to the repair and improvement of roads, as the nature of produce and amount of population may point out. A valuable source of economical supply presents itself, in the abundance of excellent fish that surrounds the coast. The better curing of this article, for which the demand is very great, deserves attention and encouragement from the legislature, as tending to diminish the needless quantity of salt-fish now annually imported. Tobacco, and other contracts, should be taken into the hands of government: they may

produce, if rightly conducted, a considerable accession to the revenue; and will likewise afford employment to many public functionaries, whose present number calls for great reduction in every department. That valuable fruit, the olive, demands every attention, both in respect to its cultivation, and to the manner of extracting the oil. It has already been shewn that, by the unskilful process still in use, one eighth part of the latter is totally lost.

Of the manufactures I have spoken fully; and must here repeat my hope that England will prove the sincerity of her desire to assist most effectually on this head. Satisfied that no encouragement, however strong, no improvement, however rapid, can enable Portugal to compete with us in foreign ports, or even to supply her own population, except in a few articles of the coarsest description, let us, at a sacrifice scarcely perceptible to ourselves, at once open to her a mine of national prosperity. Let her double all her importation duties on woollen goods, cottons, glass, paper, and leather. This will leave to us an

equal advantage with all other nations trading to her shores ; and with this we ought to rest satisfied, for a time at least. Her manufactures will thus acquire a new impulse from our forbearance, although a long period must elapse before they can, in any degree, supply the country.

The government revenue will meanwhile receive a large increase ; and the advance in price will only affect the consumers of such imported goods as are not required among the suffering peasantry, and impoverished classes. The preference long enjoyed by us, was conceded in Portugal's happier days, when she held a conspicuous station among the maritime traders of the world. A sad reverse has now befallen her ; and how consonant will it be to that high character which England sustains and glories in, to forego the advantage—unsolicited, and certainly unexpected, as the sacrifice must be—in the hour of her ancient friend's calamity.

If a line of policy less broad in its basis, or less philanthropic in its principles, be adopted, we shall speedily see Portugal over-

whelmed in irretrievable calamities, ultimately extending their fatal effects to our own shores. We may powerfully support the present system, convinced that it promises every desirable good to the people; but experience will shew that it is capable of being made, like the former constitution, as destructive in practice, as it is beautiful in theory. We may maintain an army on the Portuguese territory, sufficient to repel those enemies who now menace her; and we may scatter a little money in the districts immediately surrounding the stations which that army occupies. But unless we demand a change in the internal administration, much more extensive than that which the charter will necessarily produce, if executed to the letter, we shall bring on ourselves a weight of guilt, and its consequent punishment.

For every unjust act committed, every national benefit withheld, by a corrupt or indolent legislature, we shall incur as heavy a responsibility as if we ourselves had formed a part of that government which we protect with our army and our fleet. Condemning,

as every Briton must do, the conduct of France towards Spain, whom, by the force of her arms, she holds in subjection to a worthless tyrant, we shall become participants in the deed to a disgraceful extent; and, in the eyes of the world, bear upon our national character the same stain. Our late conduct, which, by its magnanimity, has drawn forth the language of general commendation, will be fraught with a curse instead of a blessing; and we, who justly assume to be the unalienable friends of a confiding and faithful ally, shall become the objects of deserved scorn, hatred, and reproach to those who implicitly depend on our professed good-will.

All may not discriminate, but all can feel; and Portugal, in her every cottage, will judge of England according to the fruits she shall reap from her present interference. So far we have done well: the people of England, obeying with alacrity the will of a beloved king, answered, without hesitation, to the claims of a distressed ally, and the call of rational freedom. They saw, with exulta-

tion, their countrymen on the march, to bear once more protection and assurance to the land where their proudest conquest had been achieved, and their military glory exalted to its zenith. The general feeling in our country was that which animates every enlightened mind throughout the Peninsula, and, indeed, throughout the world:—the conviction, that when England interposes her powerful aid, the happiness of other nations is her disinterested object; and that, in its pursuit, she comes prepared with every sacrifice that honour and generosity can offer, nobly relinquishing all selfish considerations, and confining her efforts to the strict performance of whatever benevolence can suggest in behalf of those whom she is pledged to succour.

## CHAPTER VIII.

### EXAMINATION OF THE PORTUGUESE CHARTER OF 1826: WITH A COMPARISON BETWEEN IT AND THE CONSTITUTION OF 1822.

To all who contemplate the destinies of Portugal with the natural sympathy of free-men, it must be an interesting object to form a correct estimate of public opinion, in reference to the established government, and the charter by which the liberties of the Portuguese subject are guaranteed. For this purpose, it may be advisable to take a brief comparative view of the present charter, in such particulars as must more powerfully affect the public mind, and the leading principles of legislative authority; pointing out wherein it essentially differs from the constitution of 1822, as settled by the Cortes.

To convince ourselves that a constitutional

form of government has been, for several years, most ardently desired by a vast majority of the Portuguese nation, we have only to cast our eye back upon the general enthusiasm with which they hailed the professed principles of the first code in 1822 ; the manner in which the revolution that promised its establishment was effected ; and the expressions of eager hope and mutual congratulation called forth by every renewed proclamation that, subsequent to its downfall, announced the intention of reviving it. These very proclamations are in themselves strong evidences of the national feeling ; since they were found necessary, from time to time, in order to repress the growing indications of popular discontent. Irritated by the recurrence of these professions, without the accompaniment of a single step towards their fulfilment, the public indignation arose, in 1824 and 1825, to a pitch that left no room to doubt the real sentiments of the people.

The comparative indifference with which the overthrow of that constitution was beheld by the country, did not originate in any in-

sensibility to the blessings of freedom ; but took its rise from the gross misgovernment of the Cortes; whose inconsistent proceedings and tyrannical measures would have rendered the most judicious enactments unavailing. By blasting the well-grounded expectations of those who most sincerely desired the establishment of civil liberty, the insane proceedings of this despotic oligarchy either disheartened the warmest supporters of their code, or armed them to effect its overthrow. Released from the trammels of an absolute monarchy, thinking men looked on the events of 1820 with complacency, and were reconciled to many things in which they would not otherwise have concurred, by regarding them as the sure means of attaining national welfare and individual happiness. In this they were grievously disappointed : they beheld, instead of the scenes so joyously anticipated, a dismembered country, a starving population, a host of greater evils than the most imperious tyrant that ever wielded the sceptre, had ever assembled around them. All these, and troubles still worse in perspec-

tive, appeared clearly attributable to the obstinate folly, the selfish inhumanity, the overweening ambition of a party, unanimous in nothing but in their efforts at self-aggrandizement, and for the ruin of their country.

These men had used the constitution as a convenient footstool, by which to step into places of power and emolument ; and having, by its means, so far succeeded, they scrupled not to violate it at their discretion, but rendered it constantly subservient to their individual purposes. If, therefore, we find it was deemed scarcely worth support in 1823, we must not trace this feeling to any disregard for the privileges which a free charter was calculated to confer, and preserve to the nation, but rather remark it as a strong proof of the disgust and despair excited by the conduct of the Cortes. If they could stand no longer than while supported by this code, the people were reconciled to its overthrow, since among its ruins it would bury their most mischievous enemies.

The Cortes were certainly called to the fulfilment of a task, the most arduous and

difficult, and one where the highest talents would have found ample room for severe exercise. The work before them required, in its planning, the utmost stretch of sagacious foresight, and in its development, a consummate union of wisdom and skill; while watchfulness, temper, and moderation, were indispensable to its safe execution. But the members of this body, in general, founded their political creed—a mere dream of true freedom—on the speculative liberality of the French revolution in its early stages; and thus schooled, it cannot be a matter of surprise that they totally failed in their attempt at practical legislation. That this disappointment might have befallen disinterested and upright men, does not, however, palliate their gross abuse of the power which they wanted ability to wield advantageously for the country.

Notwithstanding the great change in outward demonstrations of opinion, I do not hesitate to affirm that, at the end of the year 1823, the majority in Portugal who decidedly favoured rational civil liberty, was as great

as in 1820. Even putting the army out of the question, as having, by their vacillating conduct, proved their unfitness to enter into any political calculation, still there existed among the effective male population a party favorable to the revolution, greatly out-numbering its opponents. From what has been said in the preceding narrative, it will be perceived that all who advocated the former constitution must, *for the present* at least, support the charter of 1826, which, however short it may fall of their ideas of constitutional freedom, or rather licentiousness, is yet valuable in their eyes, and secure of their co-operation, as being their only safeguard against the return of a despotism peculiarly hateful to them, and which they have so strenuously laboured to overthrow.

By directing our attention to some leading passages in the new code, of which a translation is given in the appendix, and comparing them with the tenor of others in the constitution of 1822, we may be enabled to form a judgment of their respective merits, and fitness for the purpose designed. From

this we may calculate their respective popularity among those who are competent to give an opinion on the laws that govern them, which is not the case with the bulk of the lower classes in Portugal. In England every peasant, and almost every pauper, will occasionally investigate and pass sentence upon the proceedings of his legislature, even in what cannot remotely concern himself; but this spirit of enquiry, this pride of independence, is little known among the Portuguese of a similar rank; to them it is immaterial how or by whom they are governed, so long as they do not suffer the excess of bodily privation: while a blind submission to their priest in all spiritual matters, leaves them without a motive to exercise their reasoning faculties. But in the higher and middle classes, the question of legislative policy has become one of deep interest; it will be yet more fully and generally investigated as the spirit of true liberty spreads among them.

On referring to the charter of 1826, the first instance of marked dissimilarity from the constitution of 1822, is a very important

one, intimately affecting the kingly prerogative, which both assume to respect. In the code of 1822 we find it distinctly stated, in the 30th article, that the legislative power of the Portuguese monarchy “resides in the Cortes, *dependent on the sanction of the king*,” to whom also the 123d article as distinctly assigns the especial right, “to sanction and promulgate the laws.” On referring, however, to the 114th article, we see this privilege altogether annulled by this extraordinary decree. “If the king, in the time established in articles 110 and 111, should not have given his sanction to the law, it will be understood that he gave it, and the law shall be published. If he refuse, however to sign it, the Cortes will order it to be published in the name of the king, being signed by the person on whom the executive government devolves.”

A more barefaced contradiction than is here displayed can scarcely be imagined; nor a more effectual mode of exposing the royal person and prerogative to contempt and derision. Insidiously stripping the monarch of every vestige of regal power, legislative and

executive, while leaving to him the semblance of possessing both, it reduces him to a mere automaton. Very different is the charter of 1826, which leaves unfettered the privileges befitting a sovereign ruler, though still in a manner as perfectly compatible with the free establishment of public liberty, security, and property, as could be boasted of under the former constitution. By the 57th and 58th articles of the new charter, the absolute *veto* is reserved to the king, whose actual concurrence is rendered indispensable to the enactment and promulgation of laws.

A farther instance of the disposition manifested, in the constitution of 1822, to fetter in every way the royal hand, is conspicuous where, in treating of a permanent deputation which, by the 17th and 18th articles, was to be established during the recess of the Cortes, a part of their duty is described as being “to watch over the observance of the constitution and laws, in order to inform the future Cortes of the infractions which they have witnessed; having from the government such information as they think necessary for this end.” This

certainly appears a gross usurpation of the powers that of right belong to the executive, whose offences, real or imaginary, were thus to be noted down, and reported to the succeeding Cortes.

In the regulations regarding the election of deputies, there is a general similarity between the two constitutions, in both of which the mode of double election is decreed; but some differences appear in relation to the elective franchise, and the eligibility of individuals to the office of deputy. By No. 3. of Art. 65. in the present charter, a class is admitted among the electors, which, in No. 3. of Art. 33. of the old code was excluded. This class consists of clerks, book-keepers, stewards, &c., who there come under the denomination of servants, and consequently incapable of voting; but although these are now comprehended in the list, the actual number is considerably diminished; for, in the election of those on whom devolves the choice of deputies all are prohibited, by No. 5. of Art. 65. from voting, whose annual income does not amount to at least £25.; and from

among these primary electors none can be nominated whose income does not double that sum. (Art. 67, No. 1.) Nor can any be proposed as deputies unless in possession of £100. a year. These limits are more circumscribed than those marked out by the former constitution. However, by that of 1826, admission to the chamber of deputies is extended to secretaries of state, bishops in their dioceses, parochial clergy in their own parishes, and magistrates within their own districts. All these were excluded by the constitution of 1822; and by this invidious exception much needless offence was given, both to the proscribed individuals, and to the many who considered them as far better qualified for a place in the legislative assembly than a great portion of those who obtained seats in it; and hence arose an increase of public discontent.

How far the pecuniary qualifications insisted on to establish the eligibility of voters may conduce to the election of particular individuals, is an interesting question. But it does not appear to have materially affected

the formation of the present chamber, by altering the return of deputies; as nearly one-half of those now constituting the chamber were members of the former Cortes; a proportion as large as could be expected to appear there now, even had the mode of election pursued in 1820, remained in operation. For we must consider not only the lapse of six years from that period, with all the changes in the situation of individuals which such a term might be expected to bring with it, but also the number of deputies who had quitted the kingdom altogether, upon the triumph of the counter-revolution, and the numerous and respectable class, who, returning in the interim from Brazil, had offered themselves to the choice of their countrymen. Under these circumstances we could not expect to find in the lower chamber a larger proportion of the original representatives than are actually seated there. It is to be regretted, indeed, that so many violent men should have become members, and that the government appears to encourage rather than to check this dangerous party. They are by no means de-

sirable colleagues; and with whatever cautious reserve their real disposition may, for the present, be veiled, the time may come when unequivocal acts shall betray their revolutionary principles; and they may probably be found heading a formidable attack upon that system which now imprudently fosters them. To me it appears that the diminution of votes, far from tending to repress the democratic party, is calculated to strengthen it; for the lower orders in large towns, who are generally the most violent and determined liberals, will be but slightly affected by the clauses of exclusion; while they operate to the utter prevention of voting among the country labourers, with many of a similar class, peculiarly subservient to the priesthood, nobility, landholders, and other monarchical supporters. In this instance the regulations of the present charter do not appear well-judged, nor likely to promote the object at which its framers undoubtedly aimed—the re-establishment of legitimate authority on a firm basis, and the imposition of a salutary curb on the rampant spirit of republicanism.

Neither was it well done to provoke, in any way, a body unfortunately swaying the minds of the people with power more despotic than the most absolute sovereignty could exercise over their persons. By No. 4. of Art. 65. the privilege of electing, or of being elected, is withheld from the religious orders, and all others living in cloisters—a disqualification not only impolitic but really unjust. For, although we usually regard these fraternities as belonging to institutions exclusively spiritual, and altogether distinct from the laity, yet, in Portugal the monks are more conversant in temporal affairs, and have a greater interest at stake in them, than almost any other class of persons. They are landholders and agriculturists to a vast extent, and possessed of immense property, which, by acknowledged skill and perseverance in wielding their ample means of improvement, they have rendered the most valuable in the country. They cannot, therefore, but be looked upon as proprietors peculiarly liable to be affected by those measures which it is the province of the deputies to discuss and de-

cree; and as such, manifestly entitled to join in their election. No tax upon property in general can be levied that will not bear upon the estates of these conventional societies, whose exclusion is really a grievance, un- wisely inflicted on men who are not accus- tomed to regard lightly any infringement of their privileges.

To give this numerous and powerful body any reasonable ground of complaint, was wrong, especially in an early stage of the great political change; and much more so to exasperate them at its very commencement, with the assurance of their not being allowed a single voice in the chambers, favorable to their interests, or approved by themselves. Disabled from contributing to the election of deputies, what encouragement have they to expect, in legislative deliberations, any atten- tion to their wishes, or watchful regard for their advantage? The prospect is calculated to awaken feelings decidedly opposed to the new order of things; and tending to the ex- citation of a dangerous spirit through those powerful engines, the pulpit and the con-

fessional. Accordingly, we find that these places have been made the point from which to attack the new constitutional system, as incompatible with the dignity and prosperity of an order that none can offend with impunity, in a country so entirely subservient to the church of Rome.

Besides the great and substantial accession of power granted to the king, or rather the restoration of a prerogative most unjustly rent away by the former code, the present charter displays the important feature of an additional branch to the legislature, in the formation of an upper chamber as part of the national Cortes. When the revolution of 1820 took place, numerous plebeians, of liberal sentiments, advocated the adoption of such a measure; and at one period it was confidently expected that the constitution of England would be chosen in preference to that of Spain. Many good reasons were advanced in favor of this arrangement, but it does not appear that the Cortes generally entertained such a purpose. Indeed, they plainly saw that, in proportion to the exalta-

tion of the nobility, their own assumed dignity must suffer diminution ; and therefore, in perfect consistency with their usual selfish, narrow-minded policy, they not only excluded the nobles of Portugal from a share in her legislation, on the plea of their degraded state, but used it as a plausible pretext for wresting from them, individually, those privileges, and that patronage, which they held as indisputable hereditary rights. Every species of insult and mortification was brought to bear against those who had, in an unaccountable degree, commanded the public veneration ; they were assiduously exposed to general contempt and ridicule, on the grounds of imbecility and ignorance, which doubtless existed pretty generally among them, but had hitherto presented no bar to the homage habitually tendered to the advantages of birth, rank, and opulence.

If the framers of that constitution had really desired to promote the welfare of their country, and adorn her with the distinctions of honourable aggrandisement, they would surely not have selected the most conspicuous

and responsible class of her sons as objects of contumely and derision. They would rather have placed before them some stimulus calculated to arouse the spirit of fair emulation, some object for generous ambition to grasp at; and by decidedly elevating the tone of their feeling, would have led the inferior gradations of society to pursue, in the same promising path, the footsteps of those whom they were naturally disposed to follow. That nothing could be farther removed from the minds of these popular legislators than the liberality whose name they ostentatiously assumed as the watchword of their party, we have here a decisive proof. Let us hope that the present arrangement will produce this desirable effect on the nobility, and be followed by results generally beneficial.

The upper chamber is established on a principle very similar to that adopted in the formation of our house of lords. In a former part of this work, I have taken occasion to remark on the sound policy of opening this source of mental improvement to the nobility, who will speedily regain the ascendancy na-

turally belonging to a party numerically strong, and possessed of hereditary claims on public respect. Nor has there been less wisdom in conciliating the heads of the church, by investing them with increase of temporal dignity, by calling forth the latent powers of minds often remarkably vigorous, and by enabling them to secure to themselves a gratifying share in civil legislation. This is surely preferable, for them and for their country, to that secret influence which, under a despotic government, was usually held, in an enormous degree of unrivalled authority, by some individual monk, obscure, probably, and uneducated, and turning solely to the advancement of his private interests, the unlimited worldly advantages belonging to his spiritual office of father confessor to the monarch.

To what a deplorable extent the exercise of these functions may operate in ruining nations, through the superstitious weakness of an absolute sovereign, history furnishes abundant proofs; and where the Roman Catholic religion prevails, both among princes

and people, that is the most judicious regulation, which places the power that cannot be denied to the church, in the hands of a numerous body, enjoying the advantages of superior education, and brought into daily collision with the most enlightened political characters of their country :—men whose deliberations are public, and upon whose every movement is kept the watchful eye of a people, beginning to feel their own competency to enquire into affairs transacted in their name, and for their benefit.

Under the democratic form of legislation, the prelates not only found themselves and their church insultingly excluded from all participation in temporal affairs, but their property was reduced, and their persons were rendered contemptible, as far as political slights could affect them. A system the reverse of this cannot fail of winning their support ; and while expecting advancement in honours and dignity, according to their fair claims upon the royal and national confidence, they will aspire to excel in solid learning and real liberality, and be ambitious to

distinguish themselves in attachment to the existing government. As with the laity, so in the ecclesiastical body, improvement, rapidly spreading in the higher orders, will extend over the lowest scale; and thus we may regard, as through a vista, the perhaps remote, but certainly consequent, dethronement of dark and disgraceful bigotry, with the dawn of valuable knowledge throughout the nation at large.

The immediate fruits of placing the four archbishops and thirteen bishops in the upper chamber, will be to gain over with themselves that part of the clergy dependant on them for advancement; and to check the intrigues of others against a government in whose composition such ingredients are freely admitted. At the same time, also, the assertions which represent the charter as an attack upon religion will be more sparingly advanced, more cautiously received, as time develops the advantages conferred on its most distinguished ministers by this their admission to a station in civil government. For, as a body, all legislative voice had been hitherto

denied them, as well under the old regime as in the modern innovations on real legitimate authority, which crept in with the sound principles of rational reform.

It appears, therefore, on a comparison of the two codes, in their most prominent features, that while the object of the first was to institute a government, as far as possible removed from even the moderated interference of a sovereign, hereotfore absolute; to degrade the hereditary nobility of the land from their exaltation in the sight of the people; and to make the national church, not only a spoil, but a scorn to those whose principles taught them to consider it as the sanctuary of divine power; the purport of the new charter is to cement, in firm union, the various talents and interests of these several estates, under such modifications as shall conciliate and guard the young spirit of popular liberty. Individual discontent, or the murmurs of particular classes, whose expectations are not fully realized, may cause a dissentient voice to be heard; but unless the Portuguese nation be inconceivably infatuated, such dissatisfaction

can never become either general or permanent, while this charter is consistently acted upon, and adhered to.

Excepting in the exclusion of religious societies from the rights of election, which I have already commented upon, no real grievance can be pointed out, as imposed on the people by this constitution. The monarch, the aristocracy, the dignified clergy, can no more hesitate in preferring it, than they can pause on a choice between shame and honour, insult and respect. The race of country gentlemen and merchants, brought into familiar contact with their acknowledged superiors, will enjoy a complacency in such elevation, far more congenial to their national, and, I may add, natural feelings, than the feverish heat of insolent pride, trampling under foot all that they have been taught to deem high, and honourable, and sacred. The lower classes will speedily become more alive to the legislative proceedings of those men, whom their own free choice has delegated to sit in consultation on their interests; and all parties, acting as a wholesome check on each

other, the balance, once adjusted, may be preserved by their steady adherence to the arrangements that effected the counterpoise.

By no other means can Portugal attain respectability, or even preserve tolerable tranquillity. King, nobles, and democratic enthusiasts have taken their alternate course, each, in succession, lording it over the other two: with what effect, let the convulsions that rent the country under the regency, cortes, and absolute monarchy, declare. In all these struggles for power at the head of affairs, the people have invariably been the victims; and if called on to point out the very climax of their miseries, it would be difficult to avoid fixing it at the period when, under the specious name of a popular government, they were oppressed by those who assumed to wage eternal war against oppression.

Under the present constitution, summoning, as it does, to its support, the rank, wealth, property, talent, influence, and, even in part, the bigotry of Portugal, the best results may be anticipated; unless we conceive the most wilful mal-administration and perversion of

its laws, or the baneful admission of foreign interference against it. These things not calculated upon, we may consider the charter of 1826 as firmly established, and in due operation. But there remains for decision one material point, on which mainly depend the internal quiet and repose of the country. I allude to the placing of Don Miguel to exercise the regency, when the period shall arrive for his assuming the office, as clearly fixed by Article 92. of this charter. Little notice publicly appears to be taken of the near approach of that period, and the demand which he will then be entitled to make; but among his own party, it is contemplated with eager expectation, and a full understanding of the difficulty in which the government will be involved, if attempting to contravene a conspicuous part of that code, by the institution of which it exists, in its present form.

The charter, once violated, will be represented as holding out no security to any class, or to the country: if Don Miguel's rights be now overruled, those of the people may next be trampled on. At least, so will his parti-

zans assert ; and strengthening their already preponderating influence with every other description of discontents, all may unite in assailing vigorously the constitution that offends some by its establishment, others by its violation. With the charter will, in all probability, fall the government consolidated under it, leaving the field of political power once more open to the fierce and sanguinary contests of parties, animated no less by hostility against each other, than by the grasping desires of avarice and ambition.

The path is clear before the government : if they desire from the people a ready submission to the decrees of the charter, they must themselves set the example, by faithfully observing its enactments, and giving full effect to all that concerns the prosperity of the country. The liberty of the press must be fairly established and guaranteed, according to Article 145, paragraph 3. On the very first promulgation of the charter, a censorship was appointed, in direct contradiction to this clause : perhaps such a step was unavoidable, to check the greater evils

consequent on the first outbreaking of violent opinions, so long withheld from expressing themselves. But, instead of continuing to impose an unconstitutional restraint, why not expedite the passing of such laws as may secure individual character from the attacks of which a free press is too often made the vehicle, and visit with signal punishment those libellous spirits that we meet with in every country, only awaiting a safe opportunity to vent their malignant effusions ? Let them be punished in a measure proportionate not only to the injury inflicted on another, but, also, to the crime of using that as a medium of private wrong, which is placed as the best bulwark of public rights. The inadequacy of the laws on libel, under the constitution of 1822, to curb the mischief which they were framed to suppress, rendered the freedom of the press, in Portugal, a calamity and a disgrace. This matter calls for early and serious attention ; as nothing can be more detrimental to the popularity of the charter, than allowing its most beneficial enactments to remain as a dead letter.

Among these enactments stands one of very high importance, which cannot be too soon or too fully acted up to by the legislature :—that which regards the individual liberty of the subject. Although authority is given, by Article 145, paragraph 34, to suspend the operation of this great national blessing, under particular circumstances, the government should be extremely cautious in availing itself of such exception. While our army continues in the country, no general suspension of the protecting act can be necessary. Their presence will be too effectual a restraint on the impulse of popular feeling; and by persisting in such coercive measures, the government would afford grounds for suspicion, that some illegal designs of their own call for its aid. The extreme jealousy with which the slightest infringement of our national charter is regarded among us, operates powerfully for the preservation of our liberties; and the same scrupulous caution is desirable in all other lands which have a constitution to uphold.

It is lamentable, that an entire session of

the Cortes should have terminated with scarcely any progress attempted in the work of amelioration and improvement. By a similar tardiness, the Cortes of 1820 created against itself the innumerable enemies who soon effected its downfall; yet, with this warning before their eyes, the Cortes of 1826 have done just as little as their predecessors effected during a corresponding period. On referring to Article 118. of the present charter, we find the trial by jury forms a principal feature in the legal code. Until the public are permitted to feel the advantages of this inestimable institution, due justice will never be done to its merits. Nor will the government otherwise be able, in any degree, to disarm of their formidable power, the territorial magistrates, from whose local influence they have much to fear. It is miserable policy to withhold, for a day, what will render the charter so universally popular, as that provision undoubtedly must, which secures to every man a verdict according to the dictates of impartial justice, leaving him no longer dependent on the sentence of an in-

dividual, whose judgment is influenced by the extent of his bribe.

Litigation, that ruinous bane of society, is no where more prevalent than in Portugal. Each party enters into it, calculating on his own power of bribery, as exceeding that of his adversary. The trial by jury, a practical reform in the magistracy, and the establishment of arbitrators, in pursuance of Article 129, will check this fatal propensity, and render the most litigious spirit cautious of adventuring.

By Article 140. it is provided, that any errors discovered in the charter may be corrected at the end of four years. This may threaten to be the signal for fierce altercations in the Cortes: but when we consider what are the various objects naturally attracting the different branches of the executive and legislative powers, the danger becomes slight. In the chamber of deputies we may anticipate some efforts to increase the force of those parts of the charter which concern public liberty. They will desire greater latitude, and advocate national freedom. The upper

chamber will look to their particular privileges, and labour to place the aristocracy in a more ascendant position than it has occupied since the rude shock sustained from republican attempts : while the king, or his representative, will keep a jealous guard on monarchical rights, and the conveniences which their maintenance ensures to the occupant of a regal seat.

There is little prospect, then, of the three estates concurring in any infringement on the established constitution ; and in this too, the advantages of such balance must be duly appreciated by all who calculate on political probabilities. It is true that an excess of eagerness, in pursuing their respective interests, may embroil the government, so far as to aid in bringing on a great national convulsion, should the public mind likewise be in a state of irritation ; but by a judicious choice of ministers, moderate in principle, and honourable in action, this danger will be considerably diminished. The recent return to his official duties of the gallant minister of war, may be hailed as promising a

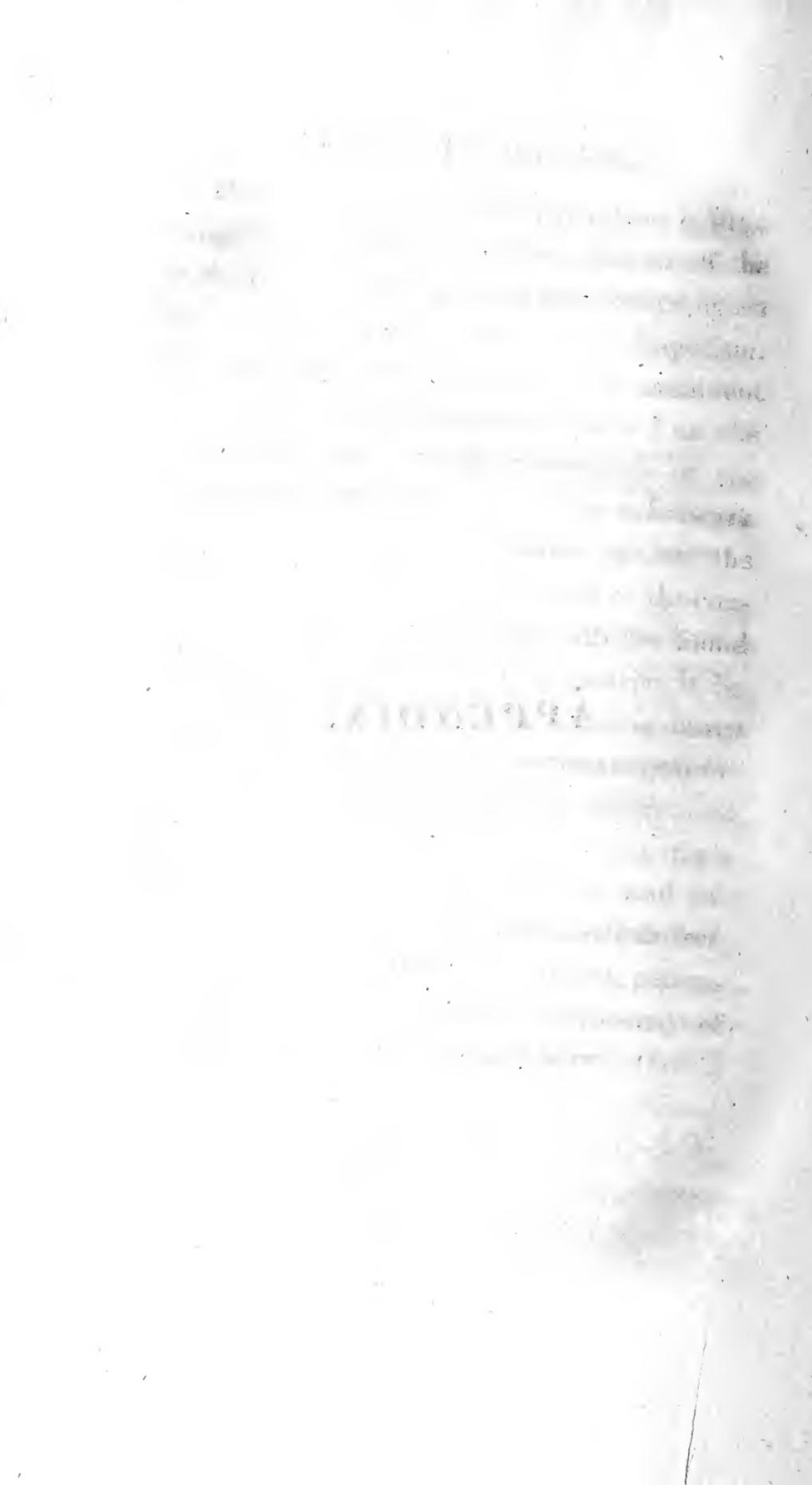
beneficial change of measures in the present administration of Portugal. The high character, and sterling worth, of general Saldanha, are well known. We must hope that his honest intentions will prevail against all the intrigue that his coadjutors may put in practice to thwart them. The imminent peril into which public tranquillity was brought by the regent's alarming illness, renders his resumption of the portfolio at this time a matter of peculiar satisfaction.

The late measure of marching a part of our army into Lisbon, although obviously necessary, is still a cause for deep regret. Foreign treachery, by keeping the Portuguese army in the most inefficient state, has obliged the English troops to assume an office far removed from the ostensible object of their equipment; and until the native force is properly re-organized, we must expect that they will often be called on to prevent those internal distractions which, in a country situated like Portugal, and destitute of civil police, require an imposing military array to check their ebullitions. It rests with the war mi-

nister to adopt decisive measures for placing the army under his management on an efficient footing. No man in the country is so competent to that task as general Saldanha, who unites to a high degree of deserved popularity a character remarkable for ability, energy, and perseverance. But to form a new army will be impracticable unless the country continue to be occupied by foreign soldiers. Should the British force be withdrawn before such re-modelling can take place, it becomes our duty to recommend the employment of mercenary troops, the cost of whose services may not be much greater to Portugal than her share of our present expenses, while rendering her the aid, which, if it be recalled without such precaution, will prove to have been far from beneficial. The sudden return of Pamplona to Portugal, at this juncture, is calculated to excite serious alarm. Whatever be the designs of this intriguing man against his country, experience must have taught all parties the necessity of universally shunning both him and his counsels.

But of any violent convulsion there is little danger, until Spain shall have shaken off the trammels that now bind her, and plunge again into anarchy in escaping from despotism. Such an event will be fraught with imminent peril to the sister kingdom, affected as she always has been by the movements of the neighbouring machine ; and the best bulwark that the art of man can raise against the incursion of destructive principles, or the contagion of pernicious example, will be found in the charter of 1826, if in the interim it be firmly established, and its institutions fairly acted up to by a wise and temperate government. Let us hope that such a government will have sufficient patriotism to bury their own private animosities in oblivion, and sacrifice the gratification of narrow, selfish feeling, to the noble object of an united, permanent, effort for the peace and prosperity of the nation committed to their charge.

## **APPENDIX.**



## APPENDIX.

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### TRANSLATION OF THE CONSTITUTIONAL CHARTER OF PORTUGAL—1826.

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Don PEDRO by the grace of God, king of Portugal, of the Algarves, &c. I make known to all my Portuguese subjects that I am pleased to decree, give, and order immediately to be sworn to, by the three orders of the state, the constitutional charter, below transcribed, which shall, from this time forward, govern these my kingdoms and dominions, and which is of the following tenor.

#### CONSTITUTIONAL CHARTER, FOR THE KINGDOM OF PORTUGAL, ALGARVE, AND THEIR DOMINIONS.

##### TITLE I.

*Of the Kingdom of Portugal, its Territory, Government,  
Dynasty, and Religion.*

Art. 1. The kingdom of Portugal is the political association of all Portuguese citizens. They form a free and independent nation.

Art. 2. Its territory comprises the kingdom of Portugal and Algarve, and includes :—1. In Europe, the kingdom of

Portugal, which contains the provinces of Minho, Tras-os-montes, Beira, Estremadura, Alemtejo, and the kingdom of Algarve, and the adjacent islands of Madeira, Porto Santo, and Acores.—2. In Western Africa, Bissau, and Cacheu; on the coast of Mina, the fort of S. João Baptista de Ajudá, Angola, Benguella, and its dependencies, Cabinda, and Molembo, the islands of Cabo Verde, and those of S. Thomé and Principe, and their dependencies; on the Eastern Coast, Moçambique, Rio de Senna, Sofalla, Inhambane, Quelamane, and the islands of Cabo Delgado.—3. In Asia, Salsete, Bardez, Goa, Damão, Diu, and the settlement of Macáo, and of the islands of Solor, and Timor.

Art. 3. The nation does not renounce the right which it may possess to any other portion of territory in these three parts of the world, not included in the foregoing article.

Art. 4. Its government is monarchical, hereditary, and representative.

Art. 5. The reigning dynasty of the most serene house of Braganza is continued in the person of the princess Donna Maria de Gloria, by the abdication and cession of her august father, Don Pedro I. emperor of Brazil, legitimate heir and successor to Don John VI.

Art. 6. The Roman Catholic apostolic religion will continue to be that of the kingdom. All other religions will be permitted to foreigners, in their domestic or private worship, in houses destined for this purpose, but without any exterior appearance of temple.

## TITLE II.

### *Of Portuguese Citizens.*

Art. 7. Those are Portuguese citizens:—1. who were born in Portugal or its dominions, and who are not now Brazilian citizens, although the father may be a foreigner

except when his residence is in the service of his own country.—2. The children of a Portuguese father, and the illegitimate offspring of a Portuguese mother, born in a foreign country, but who have established their home in the kingdom ;—3. The children of a Portuguese father, who might have been in a foreign country in the service of the kingdom, although they may not establish their home in the kingdom.—4. Naturalized foreigners, whatever may be their religion; a law will determine the qualifications necessary to obtaining letters of naturalization.

Art. 8. Those forfeit the rights of Portuguese citizens :—  
1. Who naturalize themselves in a foreign country.—2. Who, without the king's permission, accept employment, pension, or decoration, from any foreign government.—3. Who may be sentenced to banishment.

Art. 9. The enjoyment of public rights is suspended :—  
1. for moral or physical incapacity,—2. for sentence condemning to imprisonment, or banishment during its operation.

### TITLE III.

#### *Of National Representation, and Authorities.*

Art. 10. On the division and harmony of the political powers chiefly depends the preservation of the rights of the citizen; furnishing the most secure means for rendering effectual those guarantees which the constitution offers.

Art. 11. The political powers recognized by the constitution of the kingdom of Portugal, are four; the legislative power, the moderating power, the executive power, and the judicial power.

Art. 12. The representatives of the Portuguese nation are, the king, and the general Cortes.

## TITLE IV.

## OF THE LEGISLATIVE POWER.

## CHAPTER I.

*Of the Branches of the Legislative Power, and its Attributes.*

Art. 13. The legislative power belongs to the Cortes, with the sanction of the king.

Art. 14. The Cortes are composed of two chambers ; the chamber of peers, and the chamber of deputies.

Art. 15. The attributes of the Cortes are ;—1. To take the oaths of the king, prince royal, regent, or regency.—2. To elect the regent or regency, and mark the limits of their authority.—3. To recognize the prince royal, as successor to the throne, in the first meeting immediately after his birth.—4. To nominate the king's tutor in his minority, in case such nomination should not have been made in his father's will.—5. On the death of the king, or a vacancy occurring in the throne, to institute enquiry into the late administration, and reform the abuses that have been introduced.—6. To make laws, interpret them, suspend, and revoke them.—7. To watch over the constitution, and promote the general welfare of the nation.—8. Annually to fix the public expenditure, and divide the direct contributions.—9. To concede or deny to foreign forces, whether of land or sea, an entrance into the kingdom, or its ports.—10. To fix, annually, upon the information of the government, the amount of land and sea forces, ordinary as well as extraordinary.—11. To authorize the government to contract loans.—12. To establish convenient means for the liquidation of the public debt.—13. To regulate the administration of the property of the state, and decree its alienation.—14. To create or

suppress public employments, and establish salaries.—15. To determine the weight, value, inscription, type, and denomination of coins ; as also the pattern of weights and measures.

Art. 16. The chamber of peers shall bear the appellation of Worthy peers of the kingdom ; and the deputies that of Gentlemen deputies of the Portuguese nation.

Art. 17. Four years will be the duration of each legislative assembly, and that of each annual session three months.

Art. 18. The opening of the royal session shall take place yearly, on 2d of January.

Art. 19. The session of closing shall also be royal ; this, as well as the opening, shall be performed in general Cortes, both the chambers being united, the peers occupying the right, and the deputies the left.

Art. 20. Its ceremonial, and that of the communication of the king, will be according to the interior regulations.

Art. 21. The nomination of the president and vice-president of the chamber of peers, belongs to the king : those of the chamber of deputies shall be chosen from among five, proposed by the same chamber. The nomination of the secretaries of both chambers, the verification of the powers of its members, the oath, and internal arrangement, will be executed according to their respective regulations.

Art. 22. On the union of the two chambers, the president of the peers will direct the business ; the peers and deputies will take their places as in the opening of the Cortes.

Art. 23. The sessions of each chamber shall be published, except in those cases where the welfare of the state requires that they be kept secret.

Art. 24. The resolutions adopted shall be according to the absolute majority of votes of the members present.

Art. 25. The members of each chamber are inviolable for the opinions which they may profess, in the exercise of their functions.

Art. 26. No peer, or deputy during his deputation, can be arrested by any authority, except by order of his respective chamber: unless in *flagrante delicto* of capital punishment.

Art. 27. If any peer, or deputy, be accused, the judge, suspending all farther proceedings, will inform his respective chamber: which will decide if the process ought to continue, and the member to be suspended, or not, from the exercise of his functions.

Art. 28. Peers and deputies may be nominated to the offices of counsellors and ministers of state; with this difference, that the peers retain their seats in the chamber, but the deputy vacates his, and a new election takes place, in which he may be re-elected, and unite both functions.

Art. 29. Those who exercise either of these offices at the period of their election, may also unite the two functions.

Art. 30. It is impossible to be, at the same time, a member of both chambers.

Art. 31. The exercise of any employment, excepting those of counsellor and minister of state, entirely ceases while the functions of peer, or deputy, continue.

Art. 32. In the interval of the sessions, the king cannot employ a deputy out of the kingdom: nor shall a deputy go to exercise his employment, when it would prevent his joining in time for the convocation of the ordinary or extraordinary general Cortes.

Art. 33. If, for any unforeseen cause, on which depends the public security, or the welfare of the state, it should be indispensable that a deputy be appointed to another commission, the respective chamber will determine concerning it.

## CHAPTER II.

*Of the Chamber of Deputies.*

Art. 34. The chamber of deputies is elective and temporary.

Art. 35. To the chamber of deputies belongs exclusively the right of bringing in bills:—1. for levying taxes—2. for conscriptions.

Art. 36. In the chamber of deputies will also originate:—1. the examination of the late administration, and the reform of abuses introduced into it:—2. the discussion of the proposal made by the executive power.

Art. 37. It is the exclusive attribute of the same chamber to decree that there exist grounds for the accusation of the ministers and counsellors of state.

Art. 38. The deputies, during the session, will earn a pecuniary subsidy, as fixed at the end of the last session of the preceding legislature. Besides this, there will be given them an indemnification for their expenses in coming and returning.

## CHAPTER III.

*Of the Chamber of Peers.*

Art. 39. The chamber of peers is composed of members for life, and hereditary, nominated by the king, and unlimited in number.

Art. 40. The prince-royal, and the infantes, are peers by right, and shall obtain seats in the chamber as soon as they arrive at the age of twenty-five years.

Art. 41. It is the exclusive attribute of the chamber of

peers:—1. To take cognizance of the individual crimes committed by members of the royal family, ministers of state, counsellors of state and peers; and of crimes of the deputies during the period of legislation.—2. To take cognizance of the responsibility of the secretaries and counsellors of state.—3. To convoke the Cortes on the death of the king, for the election of the regency, in those cases where it is required, when the provisional regency does not perform it.

Art. 42. In the trial for those crimes where accusation does not belong to the chamber of deputies, the king's attorney general will become the accuser.

Art. 43. The sessions of the chamber of peers commence and finish at the same time with those of the chamber of deputies.

Art. 44. All assembling of the chamber of peers, except during the sessions of the deputies, is illegal and null, saving in those cases which are pointed out by the constitution.

#### CHAPTER IV.

##### *Of the Proposal, Discussion, Sanction, and Promulgation of the Laws.*

Art. 45. It belongs to each chamber to propose, oppose, and approve of the projects of laws.

Art. 46. In the formation of laws, the executive can exercise, by any of the ministers of state, the right of proposition which belongs to it: but it is only after having been examined by a committee of the chambers, where it ought to originate, that such proposition can be converted into a project of law.

Art. 47. The ministers may assist in discussing the proposition, after the report of the committee: but they can

neither vote, nor be present at the voting, unless they be peers or deputies.

Art. 48. Should the chamber of deputies adopt the project, they will transmit it to that of the peers, with the following form:—"The chamber of deputies sends to the chamber of peers the annexed proposition of the executive power, (with, or without amendments,) and thinks that it should be carried into effect."

Art. 49. If the proposition cannot be adopted, a deputation of seven members will inform the king of it, in the following manner:—"The chamber of deputies testifies to the king its acknowledgement of the zeal shewn in watching over the interests of the kingdom, and respectfully solicits that he will be pleased to take into ulterior consideration the proposition of the government."

Art. 50. In general, the propositions which the chamber of deputies admit and approve, shall be transmitted to the chamber of peers, with the following form:—"The chamber of deputies sends to the chamber of peers the annexed proposition; and thinks there is reason to ask the king for his sanction."

Art. 51. If, however, the chamber of peers should not entirely adopt the project of the chamber of deputies, but have altered or added to it, it will be returned in the following manner:—"The chamber of peers sends to the chamber of deputies their proposition, (naming it,) with the amendments, or additions, annexed: and thinks that, with them, that there is reason to ask the king for the royal sanction."

Art. 52. If the chamber of peers, after having deliberated, shall judge that the proposition, or project, cannot be admitted, they will announce it in the following terms:—"The chamber of peers returns to the chamber of deputies the proposition, (naming it,) to which it has not been able to give its consent."

Art. 53. When the project originates with the chamber of peers, that of the deputies will follow the same routine.

Art. 54. Should the chamber of deputies not approve of the amendments or additions of the peers, or *vice versa*, and should the project still appear advantageous to that chamber which rejected it, a committee, composed of equal numbers of peers and deputies, will be nominated; and according to their decision, the project of law shall be established or rejected.

Art. 55. If either of the two chambers, when the discussion is concluded, should entirely adopt the project which the other chamber sent, it shall be reduced to a decree; and after being read in session, it will be directed to the king, in two autographs, signed by the president and two secretaries, asking his sanction thus:—"The general Cortes submit to the king the enclosed decree; which they consider advantageous and useful to the kingdom: and request that his majesty will be pleased to give it his sanction."

Art. 56. This transmission shall be made by a deputation of seven members, sent by the last deliberating chamber, which will, at the same time, inform the other chamber in which the project originated, that they have adopted their proposition relative to such an object; and have directed it to the king, asking him to sanction it.

Art. 57. Should the king refuse his consent, he will answer in the following terms:—"The king wishes to meditate upon the project of law, to resolve upon it in his own time." To which the chamber will reply,—"That it thanks his majesty for the concern which he takes for the nation."

Art. 58. This denial is absolutely decisive.

Art. 59. The king will either give or refuse his sanction to each decree within one month after it has been presented to him.

Art. 60. Should the king adopt the project of the general

Cortes, he will thus express himself:—"The king consents."—With this it is sanctioned, and ready to be promulgated as a law of the kingdom; and one of the two autographs, after being signed by the king, will be transmitted to the archives of the chamber which sent it; and the other will serve for the respective secretary of state to promulgate the law from: after which it will be lodged in the national archives.

Art. 61. The form of promulgating the law shall be couched in the following terms:—"Don —, by the grace of God, king of Portugal, Algarve, &c. We make known to all our subjects that the general Cortes decree, and we will, the following law, (copy of the law). Therefore, we order all authorities, to whom belong the knowledge and execution of the said law, that they obey, and cause to be obeyed, and keep it as entirely as is therein contained: the secretary of state for the affairs of (the competent department) will have it printed, published, and distributed."

Art. 62. The law being signed by the king, and by the competent secretary of state, and sealed with the royal signet, the original will be kept in the archives of the kingdom, and printed copies of it will be sent to all the corporations, tribunals, and other places throughout the kingdom where it should be made public.

## CHAPTER V.

### *Of the Elections.*

Art 63. The nomination of deputies for the general Cortes, shall be made by indirect elections; the mass of the active citizens electing, in parochial assemblies, the electors of the province; and these the representatives of the nation.

Art. 64. Those who can vote in these primary elections, are—1. Portuguese citizens, who are in possession of their political rights.—2. Naturalized foreigners.

Art. 65.—Those excluded from voting in the parochial assemblies are—1. Minors, under twenty-five years of age, amongst whom, however, are not included married men, and military officers, who are above twenty-one years of age, bachelors of arts, and clergy in holy orders.—2. Sons of families who are living with their parents, unless they hold public offices.—3. Servants, to which class do not belong book-keepers, or head clerks of commercial houses, the servants of the royal palace that do not wear white lace, or the administrators of country estates and manufactories.—4. Religious orders, and all that live in cloisteral community.—5. Those who have not a clear annual income of a hundred mil-réis, proceeding from estates, industry, commerce, or employment.

Art. 66.—Those who are not eligible to vote in the primary parochial assemblies, cannot be members, nor vote in the nomination of any elective national authority.

Art. 67. All can be electors, and vote in the election of deputies, who have votes in the parochial assemblies ; except, —1. Those who have not an annual clear rent of two hundred mil-réis in estates, industry, commerce, or employment.—2. Enfranchised slaves.—3. Condemned criminals.

Art. 68. All those who can be electors, are competent to be nominated deputies, excepting :—1. Those who have not four hundred mil-réis clear rent, according to articles 65 and 67.—2. Naturalized foreigners.

Art. 69.—Portuguese citizens, wherever they may live, are eligible in each electoral district for deputies, although they were neither born there, nor have become residents or settlers.

Art. 70. The practical manner of carrying on the elections will be arranged by a regulating law ; and the number of deputies proportioned to the population of the kingdom.

## TITLE V.

## OF THE KING.

## CHAPTER I.

*Of the Moderating Power.*

Art. 71. The moderating power is the key to all political organization, and belongs exclusively to the king, as supreme chief of the nation, in order incessantly to watch over the maintenance of the independency, equilibrium, and harmony, of the other political powers.

Art. 72. The person of the king is inviolable and sacred: he is not subject to any responsibility.

Art. 73. His titles are, king of Portugal and the Algarves, on this and the other side of the sea, in Africa, lord of Guiné, and of the conquest, navigation, and commerce of Ethiopia, Arabia, Persia, and India, &c.; and he has the style of most faithful majesty.

Art. 74. The king exercises the moderating power:

I. In nominating the peers, without any fixed number.  
II. In convoking, especially, the general Cortes, in the intervals of the sessions, when the interest of the nation requires it.

III. In sanctioning the decrees and resolutions of the general Cortes, that they may be enforced as laws. (Art. 55.)

IV. In proroguing the general Cortes, and dissolving the chamber of deputies, in cases where the salvation of the state requires it; immediately convoking another to replace it.

V. In nominating, and freely dimissing the ministers of state.

- VI. In suspending magistrates, in cases of Article 121.
- VII. In pardoning, and mitigating the punishments imposed on culprits condemned by sentence.
- VIII. In conceding amnesty in urgent cases, and when humanity and the welfare of the state recommend it.

## CHAPTER II.

### *Of the Executive Power.*

Art. 75. The king is chief of the executive power, and exercises it by his ministers of state. His principal attributes are :

- I. To convoke the new ordinary general Cortes, on the 2d day of March, in the fourth year of the existing legislature of the kingdom of Portugal; and in the preceding year in its dominions.
- II. To nominate bishops, and present to ecclesiastical preferment.
- III. To nominate magistrates.
- IV. To appoint to other civil and political employments.
- V. To nominate commanders of the land and sea forces; and remove them when the welfare of the state requires it.
- VI. To nominate ambassadors, and other diplomatic and commercial agents.
- VII. To direct the political negotiations with foreign nations.
- VIII. To conclude treaties of alliance, offensive and defensive, of subsidy and commerce; bringing them, when concluded, to the knowledge of the general Cortes, when the interest and security of the state will permit it. If the treaties entered into in time of peace, involve the cession or exchange of territory in the kingdom, or of possessions to

which the kingdom has a right, they will not be ratified without being approved by the general Cortes.

IX. To declare war, and make peace ; communicating to the Cortes what is compatible with the interests and security of the state.

X. To grant letters of naturalization, according to law.

XI. To grant titles, honours, military orders and distinctions, in recompense of services rendered to the state : the pecuniary grants depending on the approval of the Cortes, when they are not already designated and taxed by law.

XII. To expedite decrees, instructions, and regulations, adequate to the proper execution of the laws.

XIII. To decree the application of rents, appropriated by the Cortes to the different branches of public administration.

XIV. To grant or refuse sanction to the decrees of the councils, and apostolic letters, and all other ecclesiastical constitutions, that are not opposed to the constitution, and are preceded by the approbation of the Cortes, if they contain general matter.

XV. To provide for all that concerns the internal and external security of the state, according to the constitution.

Art. 76. The king, previous to his being proclaimed, will tender to the president of the chamber of peers, both the chambers being united, the following oath :—“ I swear to maintain the Roman Catholic Apostolic religion, and the integrity of the kingdom ; to observe, and cause to be observed, the political constitution of the Portuguese nation, and other laws of the realm ; and to promote the general welfare of the nation, as far as lies in my power.”

Art. 77. The king cannot go out of the kingdom of Portugal, without the consent of the general Cortes : if he does so, it will be understood that he has abdicated the throne.

## CHAPTER III.

*Of the Royal Family, and its Revenue.*

Art. 78. The heir presumptive of the kingdom shall have the title of prince-royal: and his first-born that of prince of Beira; all the others will have that of infantes. The style of the heir presumptive shall be, royal highness, and the prince of Beira's the same; the infantes shall have the title of highness.

Art. 79. The heir presumptive, having completed fourteen years, will tender to the president of the chamber of peers, both the chambers being united, the following oath:—  
“ I swear to maintain the Roman Catholic Apostolic religion, to observe the political constitution of the Portuguese nation, and to be obedient to the laws, and to the king. ”

Art. 80. The general Cortes, immediately on the king's accession, will assign to him, and to the queen his spouse, a revenue becoming his high dignity.

Art. 81. The Cortes will also assign incomes to the prince royal, and to the infantes, from the period of their birth.

Art. 82. When the princesses or infantas are about to marry, the Cortes will assign their dowry; and upon its delivery to them, their incomes will cease.

Art. 83. To the infantes who may marry and go to reside out of the kingdom, a certain sum, determined on by the Cortes, will at once be given: upon this, their former incomes will cease.

Art. 84. The revenue, incomes, and dowries, mentioned in the preceding articles, shall be paid from the public treasury, and delivered to a steward, named by the king, with

whom will be settled what concerns the interests of the royal household.

Art. 85. The palaces, and royal lands, hitherto in the king's possession, will still continue to belong to his successors: and the Cortes will provide for such purchases and constructions as they think necessary for the decency and recreation of the king.

#### CHAPTER IV.

##### *Of the Succession of the Kingdom.*

Art. 86. The senhora Donna Maria II. by the grace of God, and the formal abdication and cession of senhor Don Pedro I. emperor of Brazil, shall always reign in Portugal.

Art. 87. Her legitimate descendants shall succeed to the throne, according to the regular order of primogeniture, and representation; preferring always the anterior to the posterior line; in the same line, the nearest degree to that more remote; in the same degree, the masculine to the feminine sex: in the same sex, the elder person to the younger.

Art. 88. The lines of the legitimate descendants of senhora Donna Maria II. being extinct, the crown will pass to that which is collateral.

Art. 89. No foreigner can succeed to the crown of the kingdom of Portugal.

Art. 90. The marriage of the princess, presumptive heiress to the throne, shall be arranged according to the will of the king, but never with a foreigner. Should the king not be living at the time when this alliance is treated of, it cannot be effected without the approbation of the general Cortes. Her husband will have no share in the government; and will not be called king until the queen shall have borne a child.

## CHAPTER V.

*Of the Regency, during the Minority or Impediment of the King.*

Art. 91. The king is a minor until he has completed his eighteenth year.

Art. 92. During his minority the kingdom shall be governed by a regency, which will belong to the nearest relation of the king, according to the order of succession, and who shall be more than twenty-five years of age.

Art. 93. If the king should have no relation in whom are united these qualifications, the kingdom shall be governed by a permanent regency, named by the general Cortes, composed of three members, of whom the eldest shall be the president.

Art. 94. Until such regency be elected, the kingdom shall be governed by a provisional regency, composed of the two ministers of state, of the interior and of justice, and of the two senior counsellors of state, presided over by the queen-widow; and in her absence by the senior counsellor of state.

Art. 95. In case of the death of the queen-regent, her husband shall become president of the regency.

Art. 96. Should the king, by reason of physical or moral cause, clearly recognized by a majority of each chamber of the Cortes, be unfit to govern, the prince royal, as regent, will govern in his place, if he have attained the age of eighteen years.

Art. 97. The regent as well as the regency will take the oath mentioned in article 76, adding the clause of fidelity to the king, and to deliver to him the government immediately that he becomes of age, or the impediment ceases.

Art. 98. The acts of the regency, and of the regent, shall be issued in the name of the king, in the following manner :—“The regency orders, in the name of the king,”—“The prince-royal regent orders, in the name of the king”

Art. 99. Neither the regency nor the regent shall be responsible.

Art. 100. During the minority of the successor to the crown, that person shall be his tutor whom his father nominated in his will: in the absence of this, the queen-mother, and in her absence the general Cortes, will appoint a tutor. Providing, however, that the person to whom, on his impediment, may belong the succession to the crown, can never be tutor to the king in his minority.

## CHAPTER VI.

### *Of the Ministry.*

Art. 101. There will be different offices of state. The law will designate the different business belonging to each, and their numbers; and will unite or separate them as shall be most convenient.

Art. 102. The ministers of state will sign all the acts of the executive power, without which they cannot be executed.

Art. 103. The ministers of state shall be responsible :

I. For treason.

II. For bribery, subornation, or extortion.

III. For abuse of power.

IV. For not duly observing the law.

V. For what they do contrary to the liberty, security, or property of the citizens.

VI. For any waste of the public property.

Art. 104. A particular law will specify the nature of these crimes, and the manner in which they are to be proceeded against.

Art. 105. The verbal or written order of the king will not do away with this responsibility of the ministry.

Art. 106. Foreigners, although naturalized, cannot be ministers of state.

## CHAPTER VII.

### *Of the Council of State.*

Art. 107. There shall be a council of state, composed of counsellors for life, nominated by the king.

Art. 108. Foreigners cannot be counsellors of state, although they should be naturalized.

Art. 109. The counsellors of state, previous to entering, will tender their oath to the king to maintain the Roman Catholic Apostolic religion; to observe the constitution and the laws; to be faithful to the king, and to counsel him according to their consciences, attending only to the welfare of the nation.

Art. 110. The counsellors shall be heard in all serious matters, and general measures of the public administration; particularly upon the declaration of war, the adjustment of peace, or negotiations with foreign countries; as also on every occasion wherein the king purposes to exercise any of the attributes belonging to the moderating power indicated in Art. 74, with the exception of paragraph 5.

Art. 111. The counsellors of state shall be responsible for the counsel that they may give, contrary to the laws, and the interests of the state, should it be evidently prejudicial.

Art. 112. Immediately upon the prince-royal having completed his eighteenth year, he will by right become a

member of the council of state. The admission of the other princes of the royal family into the council of state will depend on the nomination of the king.

## CHAPTER VIII.

### *Of the Military Force.*

Art. 113. Every Portuguese is obliged to take up arms, to support the independence and integrity of the kingdom, and defend it from its external and internal enemies.

Art. 114. While the general Cortes do not decide on the permanent land and sea forces, what may at present exist will be continued, until the same Cortes alter it, for more or less.

Art. 115. The military force is essentially obedient; it can never unite without being ordered by legitimate authority.

Art. 116. To the executive power exclusively belongs the employment of the land and sea forces, as may appear best suited to the security and defence of the nation.

Art. 117. A special ordinance will regulate the organization of the army, its promotion, pay, and discipline, as also those of the naval force.

## TITLE VI.

### OF THE JUDICIAL POWER.

### ONLY CHAPTER.

#### *Of the Judges and Tribunals of Justice.*

Art. 118. The judicial power is independent, and shall be composed of judges and juries, who will act in civil, as

well as criminal matters, in the cases and the manner that the Cortes shall determine.

Art. 119. The juries pronounce upon the fact, and the judges apply the law.

Art. 120. The judges shall be perpetual; however, it is not to be understood that they cannot be moved from one place to another, at such time, and in such manner as the law may determine.

Art. 121. The king can suspend them for complaints made against them, proceeding to inquiry of the same judges, and hearing the council of state; the papers which belong to them shall be transmitted to the judicial tribunal of the respective district, which will proceed according to law.

Art. 122. Those judges can only lose their places by sentence.

Art. 123. All judges, and officers of justice, are responsible for the abuses of power, and prevarications, which they commit in the exercise of their functions; this responsibility will be rendered effectual by a regulating law.

Art. 124. For subornation, bribery, peculation, and extortion, a popular action may be brought against them, which may be instituted within a year and a day, by the person complaining, or by any of the people; following the order of the process, as established by law.

Art. 125. To judge causes in the second and last instance, there shall be in the provinces of the kingdom the tribunals that will be necessary for the convenience of the people.

Art. 126. In criminal causes, the examination of witnesses, and all the other acts of the process, after denunciation, shall from henceforth be public.

Art. 127. In civil, and in penal causes civilly tried, the parties may nominate arbitrating judges. Their sentences shall be executed without appeal, if the parties shall have thus agreed.

Art. 128. Without proof that the medium of reconciliation has been tried, no process shall be commenced.

Art. 129. For this purpose there will be peace judges, who shall be elected at the same time, and in the same manner, with the aldermen of the corporations. Their attributes and districts shall be regulated by law.

Art. 130. In the capital of the kingdom, besides the judicial tribunal that ought to exist, as well as in the provinces, there shall be also one with the denomination of supreme tribunal of justice, composed of judges taken from the judicial tribunals according to their seniority, who shall be distinguished by the title of the council. In the first organization of this tribunal, the ministers of those which are to be abolished may be employed.

Art. 131. To this tribunal it will belong;

- I. To grant or deny revisions of causes, and in the manner that the law will determine.
- II. To take cognizance of crimes and official errors, which its own ministers may commit, those of the judicial tribunals, and those employed in the diplomatic body.
- III. To take cognizance of, and decide upon all judicial contests, and the competency of provincial tribunals.

## TITLE VII.

### OF THE ADMINISTRATION AND ECONOMY OF THE PROVINCES.

#### CHAPTER I.

##### *Of the Administration.*

Art. 132. The administration of the provinces will remain as at present, until it is altered by law.

## CHAPTER II.

*Of Corporations.*

Art. 133. In all the cities and towns now existing, and in all others that in future shall be formed, corporations shall exist, to which will belong the economical and municipal governments of the same cities and towns.

Art. 134. The corporations shall be elective, and composed of such number of aldermen as the law shall appoint; the one who obtains the greater number of votes shall be president.

Art. 135. The exercise of its municipal functions, formation of its police, application of its rents, and all its private and useful attributes, shall be decreed by a regulating law.

## CHAPTER III.

*Of the Public Revenue.*

Art. 136. The receipt and expenditure of the public revenue, shall be in charge of a tribunal, under the name of the public treasury; where, at different periods, regularly established by law, its administration, right distribution, and accounts, shall be regulated.

Art. 137. All the direct contributions, with the exception of those which are applied to the interest and liquidation of the public debt, shall be annually settled by the general Cortes; but will continue until their repeal is published, or others are substituted for them.

Art. 138. The minister of finance, having received from the other ministers the estimates relative to the expenditure

of their departments, will annually deliver to the chamber of deputies, immediately on the assembling of the Cortes, a general balance of the receipt and expenditure of the treasury during the preceding year, and also a general estimate of all the public expences for the ensuing year, and the amount of all the contributions and public rents.

### TITLE VIII.

#### *Of the general Dispositions and Guarantees of the Civil and Political Rights of Portuguese Citizens.*

Art. 139. The general Cortes, at the commencement of their session, will examine if the political constitution of the kingdom has been exactly observed, in order to provide as justice may direct.

Art. 140. If at the end of four years after the constitution of the kingdom has been sworn to, it is known that some of its articles require reform, the proposal shall be made in writing. It ought to commence in the chamber of deputies, and to receive the support of one third of them.

Art. 141. The proposal shall be read three times, with an interval of six days between each reading ; and after the third, the chamber of deputies will deliberate if it shall be admitted to discussion ; observing, in every respect, the rules necessary for the formation of a law.

Art. 142. When admitted to discussion, and the necessity of amending the constitutional article carried, the law will be expedited, and sanctioned, and promulgated by the king in the usual manner ; in this law the electors of the deputies for the ensuing legislature shall be ordered to confer on their representatives especial authority for the proposed alteration or reform.

Art. 143. In the first session of the succeeding legislature, the matter shall be proposed and discussed ; and that which is carried shall prevail for the change or addition of the fundamental law ; and being joined to the constitution, shall be solemnly promulgated.

Art. 144. That only is constitutional which refers to the limits and respective attributes of the political powers, and to the political and individual rights of the citizens. Every thing which is not constitutional, may be altered without the forms referred to, by the ordinary legislatures.

Art. 145. The inviolability of the civil and political rights of Portuguese citizens, which are founded in liberty, individual security, and property, is guaranteed by the constitution of the kingdom in the following manner :—

I. No citizen can be obliged to do, nor be prevented from doing, any thing, except according to law.

II. The operation of the law shall not possess a retrospective effect.

III. Every one may communicate his thoughts by written words, and publish them in print, independent of a censorship ; but will have to answer for the abuses that he may have committed in the exercise of this privilege, in the cases and in the manner that the law determines.

IV. None can be persecuted on account of religion, provided they respect that of the state, and do not offend public morals.

V. All persons may continue in the kingdom, or quit it when they please, taking with them their property, observing the police regulations, and saving to the prejudice of others.

VI. Every citizen has in his house an inviolable asylum ; none can enter it during the night, except with his consent, or in case of help being called for from within, or to save it from fire or inundation ; and in the day it shall only be free of entrance in the cases and manner that the law determines.

VII. No person can be arrested without a specific accusation, except in those cases pointed out by law ; and in these within twenty-four hours, reckoning from the entrance into prison, if in cities, towns, or any part near the judge's place of residence, and in remote places, within a reasonable period, which the law will mark, according to the extent of the territory, the judge, in a note signed by himself, will inform the criminal of the reason of his arrest, and the names of his accusers and the witnesses, if there be any.

VIII. Even with a specified accusation, no person shall be conducted to prison, or kept there if already arrested, if he shall offer fit bail, in cases where the law admits of it ; and in general in offences not liable to greater punishment than six months imprisonment, or banishment from the hundred, the culprit may become his own bail.

IX. Except in *flagrante delicto*, an arrest cannot be executed, without a written order of the legitimate authority. If this should be arbitrary, the judge who passed it, and the person who demanded it, shall be punished with such infliction as the law shall determine. That which is ordered respecting imprisonment without a specified accusation, does not include the established military regulations, as necessary to the discipline and recruiting of the army : nor those cases which are not purely criminal, and in which the law, nevertheless, determines the arrest of any person for disobedience to the orders of justice ; or for not fulfilling any bond within the determined period.

X. No person shall be sentenced, except by the competent authority, in virtue of an anterior law, and in the form prescribed by it.

XI. The independence of the judicial power shall be maintained. No authority can call in pending causes, arrest them, or revive processes that are concluded.

XII. The law shall be equal for all, whether protecting or

punishing ; and shall recompense in proportion to the deserts of every one.

XIII. Every citizen is admissible to public offices, either political or military, without any other distinction than that of his talents and virtues.

XIV. No person shall be exempt from contributing to the expences of the state, in proportion to what he possesses.

XV. All privileges are abolished that are not essential and entirely united to employments for public utility.

XVI. Except in those causes which, by their nature, belong to particular judges, according to law, there shall be no privileged courts, no special commissions, in civil or criminal causes.

XVII. There shall be organized, as soon as possible, a civil and criminal code, founded on the solid basis of justice and equity.

XVIII. From this time are abolished whipping, torture, marking with hot iron, and all other cruel punishments.

XIX. No punishment will pass from the person of the delinquent: therefore, in no case shall there be any confiscation of property ; nor shall the disgrace of the criminal be transmitted to his relations, of any degree.

XX. The jails shall be secure, clean, and well ventilated ; having different apartments, in order to separate the criminals, according to their circumstances, and the nature of their offences.

XXI. The right of property is guaranteed in all its plenitude. If the public good, legally verified, require the use and employment of the property of the citizen, he shall be previously indemnified for the value of it. The law will mark the cases in which this single exception shall take place ; and will give the rules for determining the indemnifications.

XXII. The public debt is also guaranteed.

XXIII. No sort of work, culture, industry, or commerce, can be prohibited, if it be not opposed to public customs, or the security and health of the citizens.

XXIV. Inventors shall have the property of their discoveries, or productions. The law shall secure their own temporary and exclusive privilege; or will remunerate, to make amends for the loss they may suffer by its becoming common.

XXV. The secrecy of letters is inviolable; the administration of the post is rigorously responsible for any infringement of this article.

XXVI. The recompences conferred for services rendered to the state are guaranteed, whether they be civil or military; as is also the right acquired by them according to law.

XXVII. Those in public employ are strictly responsible for the abuses and omissions of which they may be guilty in the exercise of their functions; and for not rendering those under them effectually responsible.

XXVIII. Every citizen may present, in writing, to the legislative and executive powers, claims, complaints, or petitions; and even expose any infraction of the constitution, requiring, before the competent authorities, the actual responsibility of the infractors.

XXIX. The constitution also guarantees the public succours:

XXX. The primary gratuitous instruction of all citizens.

XXXI. It guarantees the hereditary nobility, and its prerogatives.

XXXII. Colleges, and universities, where shall be taught the elements of sciences, belles-lettres, and arts.

XXXIII. The constitutional powers cannot suspend the constitution in what it decrees regarding individual rights, except in the cases and circumstances specified in the following paragraph.

XXXIV. In cases of rebellion, or invasion of an enemy, the security of the state requiring that, for a limited time, some of the formalities that guarantee individual liberty should be dispensed with, it may be done by a special act of the legislature. If, however, at this time the Cortes should not be sitting, and the country is incurring imminent peril, the government may use this precaution, as a provisional and indispensable measure, suspending it immediately when the urgent necessity which caused it ceases: it being requisite, in either case, to transmit to the Cortes, as soon as they have met, an account of what caused the arrests, and the other preventive measures taken: and all authorities that may have been ordered to proceed in them, shall be responsible for the abuses which they may have practised in this respect.

Therefore, I command all authorities to whom belong the knowledge and execution of this constitutional charter, that they swear, and cause it to be sworn to, and fulfil, and cause it to be fulfilled, and guard it, as entirely as therein is contained. The regency of these my kingdoms and dominions, thus will understand it, and will have it printed, published, &c. &c. &c.

Signed by the king, and dated at Rio de Janeiro, April 29, 1826.

FINIS.



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